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Pearce, Jennifer

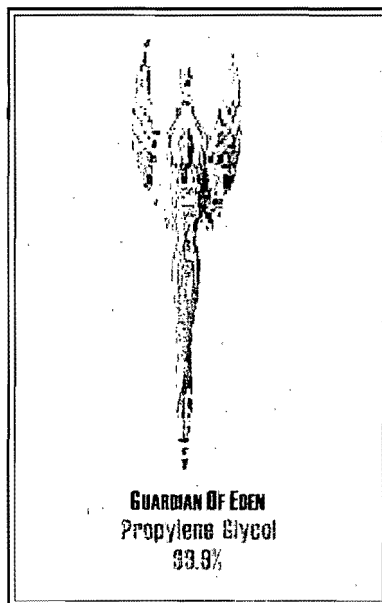
From: Livingston, Pat
Sent: Tuesday, April 08, 2014 10:50 AM
To: Pearce, Jennifer
Subject: FW:
Attachments: Guardian of Eden h2o2 _ Contents.pdf

You should definitely send this one.

From: Miller, Molly
Sent: Tuesday, March 04, 2014 2:17 PM
To: Livingston, Pat
Subject:

Molly Miller
EPA Region 4
Atlanta, GA
miller.molly@epa.gov

Product Description: Guardian Of Eden BORIC ACID & PROPYLENE GLYCOL
- small quantities and bulk



The company name "Guardian of Eden" refers to the Biblical angel left to block admission back into the Garden. In their product line, G.O.E. pursues re-creating the nutritional environment when the earth was new and pure.

TERMITE TREATMENT RATIOS:

A ratio of 50/50 (propylene glycol and water) is recommended. 1 pound of boric acid per 2 gallons of mixture should be sufficient, though many people opt to use 2 pounds for maximum effectiveness (or 1 pound per gallon of liquid).

ADDING BORIC ACID:

Boric acid resists dissolving in cold water. Ideally, the liquid will be 100 to 110 degrees (or warm to the touch). Do not bring to a boil. To heat the liquid, you can put the bottle into a large pot of warm (not boiling) water. Precise temperature is NOT critical. If the boric acid has clumped, simply break it by hand to powder. This is very quick and easy - but wear plastic gloves or wash your hand promptly after breaking up the mixture.

Then simply add the boric acid to the mix of 50% propylene glycol to 50% water.

SAFETY:

While this anti termite mixture is substantially less dangerous and toxic than pesticides, you should avoid getting the mixture into your eyes or swallowing it. If a large volume is consumed, it is dangerous.

SAVE A PET'S LIFE:

Propylene glycol is most known as a biodegradable antifreeze that also is very pet friendly. Typical antifreeze sold in automotive parts stores is very toxic and lethal to animals. Every year, there are near countless pet deaths due to leaking radiators and hoses or antifreeze jugs left accessible to pets - as such lethal antifreeze also has a sweet and attractive taste to most pets. Typical antifreeze destroys the liver and there is little treatment possible unless the pet's stomach is immediately evacuated.

So if you have left over propylene glycol from termite treatment, use it as antifreeze for your vehicles. Propylene glycol also is commonly used to fill sewage lines and toilet taps in houses and buildings left vacant without heat in cold climates to prevent pipes and ceramics ruptured by freezing - without using highly toxic chemicals.

SAFE AND BIODEGRADABLE ANTIFREEZE:

As antifreeze, propylene eliminates the need for periodic changing or recharging of cooling systems. There is no need for supplemental coolant additives. It can be used for seven years or 250,000 miles in passenger cars, light-duty trucks, vans and recreational vehicles. It lasts seven years or 750,000 miles in over-the-road diesel trucks.

BOATER'S CHOICE:

Due to the environment of boats over water, most laws prohibit toxic automotive antifreeze for boat engines. Boaters in cold climates also will pour a little propylene glycol into the drain lines of the boat's sink and toilet to prevent freezing bursting of pipes and fixtures during winter storage.

PROPYLENE GLYCOL

Propylene glycol is used:

- As a moisturizer in medicines, cosmetics, food, toothpaste, mouth wash, and tobacco products
- In electronic cigarettes to make the produced vapor better resemble cigarette smoke
- As a medical and sexual lubricant (A.K.A. "personal lubricant")
- As an emulsification agent in Angostura and orange bitters
- As a solvent for food colors and flavorings
- As a humectant food additive, labeled as E number E1520
- As a carrier in fragrance oils
- As a less-toxic antifreeze
- As a solvent used in mixing photographic chemicals, such as film developers
- In smoke machines to make artificial smoke for use in firefighters' training and theatrical productions
- In hand sanitizers, antibacterial lotions, and saline solutions
- In cryonics
- As a working fluid in hydraulic presses
- As a coolant in liquid cooling systems
- To regulate humidity in a cigar humidor
- As the killing and preserving agent in pitfall traps, usually used to capture ground beetles
- To treat livestock ketosis
- As the main ingredient in deodorant sticks.
- To deice aircraft.

The U.S. Food and Drug Administration (FDA) has determined propylene glycol to be "generally recognized as safe" for use in food, cosmetics, and medicines.

What is propylene glycol?

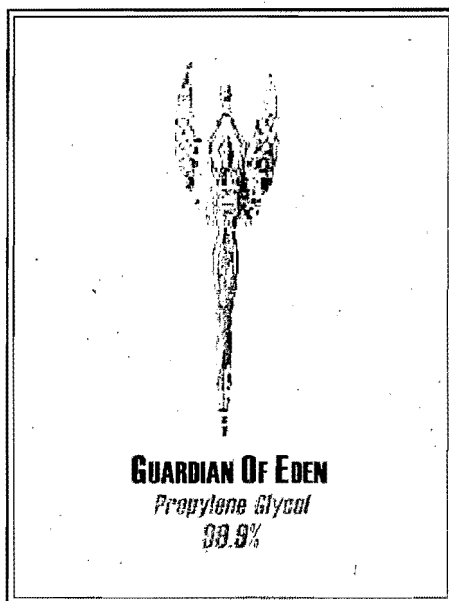
Propylene glycol is a clear, colorless, slightly syrupy liquid at room temperature. Propylene glycol is practically odorless and tasteless.

Propylene glycol is used to make biodegradable antifreeze and de-icing solutions for cars, airplanes, and boats; as an ingredient in termite control; to make polyester compounds; and as solvents in the paint and plastics industries.

The Food and Drug Administration (FDA) has classified propylene glycol as an additive that is "generally recognized as safe" for use in food. It is also used to absorb extra water and maintain moisture in certain medicines, cosmetics, or food products. It is a solvent for food colors and flavors.

NOTE: The 0.1% that is not propylene glycol is water.

THE ABOVE COMMENT OF SAFETY IS MADE ONLY AS A GENERAL COMMENT OF PROPYLENE GLYCOL. THE PRODUCT OFFERED IS TECHNICAL GRADE AND IS IN HIGHLY CONCENTRATED CONTENT.



NOTE: If kept sealed and not in direct sunlight, propylene glycol will never spoil or lose its strength.
(Due to increased increasing transportation costs and increasing Internet listing fees, this pricing may not last long.)

SMALL SIZES FOR HOBBYISTS AND PROFESSIONALS:

16 ounces (pint) G.O.E. Propylene Glycol
\$11.32 +S&H \$7.63

Add to Cart

32 ounces (quart) G.O.E. Propylene Glycol
\$15.21 +S&H \$9.23

Add to Cart

VOLUME SIZES FOR DISCOUNT:

1 Gallon G.O.E. Propylene Glycol - approx. 10 lbs shipping weight
\$32.17 +S&H \$15.78

Add to Cart

2 Gallon G.O.E. Propylene Glycol - approx. 20 lbs shipping weight

\$59.84 +S&H \$19.72

[Add to Cart](#)

3 Gallon G.O.E. Propylene Glycol - approx. 30 lbs shipping weight
\$88.25 +S&H \$23.85

[Add to Cart](#)

4 Gallon G.O.E. Propylene Glycol - approx. 40 lbs shipping weight
\$108.07 +S&H \$26.18

[Add to Cart](#)

BULK QUANTITY PROPYLENE GLYCOL

10 Gallon G.O.E. Propylene Glycol - approx. 100 lbs shipping weight in 2 boxes
\$268.94 +S&H \$59.23

[Add to Cart](#)

15 Gallon G.O.E. Propylene Glycol - approx. 150 lbs shipping weight in 3 boxes
\$396 +S&H \$87.07

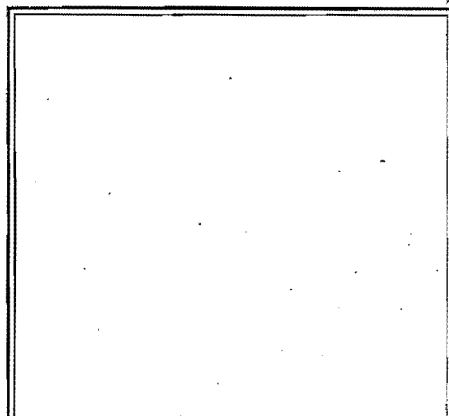
[Add to Cart](#)

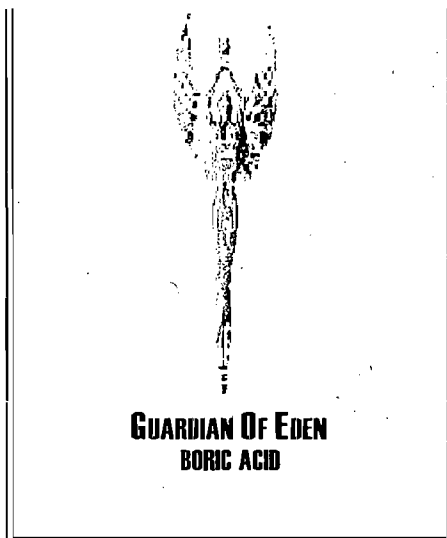
20 Gallon G.O.E. Propylene Glycol - approx. 200 lbs shipping weight in 4 boxes
\$488.03 +S&H \$124.40

[Add to Cart](#)

25 Gallon G.O.E. Propylene Glycol - approx. 250 lbs shipping weight in 5 boxes
\$617.53 +S&H \$137.12

[Add to Cart](#)





1 Pound G.O.E. Boric Acid
\$6.53 +S&H \$4.85

Add to Cart

2 Pounds G.O.E. Boric Acid
\$9.05 +S&H \$6.13

Add to Cart

6 Pounds G.O.E. Boric Acid
\$16.44 +S&H \$9.83

Add to Cart

12 Pounds G.O.E. Boric Acid
\$28.61 +S&H \$16.33

Add to Cart

BULK QUANTITY BORIC ACID

25 Pounds G.O.E. Boric Acid
\$52.38 +S&H \$19.26

Add to Cart

50 Pounds G.O.E. Boric Acid
\$78.94 +S&H \$28.51

Add to Cart


[All Guardian Of Eden Products: Click here](#)

[Sea Salts page: Click here](#)

[Home Page: Click here](#)

Buy With Confidence



	<p>We are a Verified Online Merchant - a guarantee of delivery or refund of your purchase for no-risk online purchasing.</p>
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PayPal



Having a problem ordering by credit/debit/ATM card? [Click Here](#) To Order By Mail

Do not want to use Credit/Debit/ATM card? To order by Check or Money Order

To Order by phone via MasterCard or VISA phone us at 352 563-5200

To email us: dfwx22@gmail.com

TO RETURN TO MAIN PAGE

R

Pearce, Jennifer

From: Livingston, Pat
Sent: Tuesday, April 08, 2014 10:44 AM
To: Pearce, Jennifer
Subject: FW: Just curious if you received a letter from Mr. Ovard with Guardian of Eden?

From: Bingham, Kimberly
Sent: Monday, March 24, 2014 9:23 AM
To: Livingston, Pat
Subject: RE: Just curious if you received a letter from Mr. Ovard with Guardian of Eden?

Not yet.

Kimberly L. Bingham, MPH | Chief, Pesticides Section | Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
Voice: 404-562-9038 | Fax: 404-562-9066 | Email: bingham.kimberly@epa.gov

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received.

From: Livingston, Pat
Sent: Monday, March 24, 2014 8:04 AM
To: Bingham, Kimberly
Subject: Just curious if you received a letter from Mr. Ovard with Guardian of Eden?

R

Pearce, Jennifer

From: Livingston, Pat
Sent: Tuesday, April 08, 2014 10:43 AM
To: Pearce, Jennifer
Subject: FW: Upset respondent

-----Original Message-----

From: Bingham, Kimberly
Sent: Thursday, March 27, 2014 3:19 PM
To: Livingston, Pat
Subject: Fw: Upset respondent

FYI.

From: Bingham, Kimberly
Sent: Thursday, March 27, 2014 3:18:05 PM
To: Banister, Beverly
Cc: Gettle, Jeaneanne; Toney, Anthony; Kemker, Carol
Subject: Upset respondent

All,

Pat is bringing to Jeaneanne a copy of a letter to Heather and me regarding a show cause meeting she had with an individual. I am at the doctor's office and will provide details re: our response to the allegations on tomorrow.

Kimberly

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Kimberly L. Bingham
Chief, Pesticide Section, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Index of all items mailed on March 25, 2014

Dear Ms. Toney and Ms. Bingham,

In the event of a hearing/appeal/trial before an Administrative Judge of the E.P.A., the rules required that document collections exceeding 20 pages much be indexed. As all items mailed to you would be attached to the Respondent's First Original Pleading and Response, and to avoid inadvertent lose on your end, the following is an index of what is being sent to you at the same time via USPS Certified Mail. If you fail to receive any of the items, advise and another copy will be mailed to you.

Pleadings, responses and motions filed with the Clerk's Office of the Administrative Judges of the E.P.A. are to be double spaced per rules of the Administrative Judges, but not required of other documents and correspondence as in the March 12, 2014 letter of Ms. Bingham.

Both of you were mailed the following via the United States Post Office, certified mail return receipt requested on March 25, 2014:

INDEX

Advise ment that the U.S. Environmental Protection Agency, Region 4, Pesticides Division is refusing to allow show cause meetings

Request/demand for a Show Cause Meeting

Facts related to calculation of level of fine

Request/Demand for records & copies

An S.A.S.E. Overnight express mail for return of requested/demanded records & copies (provide only to Ms. Toney)

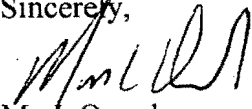
Location designation in event of contest to Administrative Judge of the E.P.A.

Affidavit of Respondent Regarding Specific Facts

This Index

If you failed to receive any of the above items, please advise.


Sincerely,



Mark Ovard

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 25, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303



Mark Ovard, Respondent
Signed on March 25, 2014

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Kimberly L. Bingham
Chief, Pesticide Section, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Request/demand for Hearing Pursuant to Statute;
Further referring statements by Ms. Livingston of fines to be imposed and March 12, 2014 from
Kimberly L. Bingham to Mark Ovard

Dear Ms. Toney and Ms. Bingham,

This letter regards:

FIFRA SEC. 14. [7 U.S.C. 136f] PENALTIES.

(a) CIVIL PENALTIES.—

3) HEARING.—No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged.

(4) DETERMINATION OF PENALTY.—In determining the amount of the penalty, the Administrator shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Whenever the Administrator finds that the violation occurred despite the exercise of due care or did not cause significant harm to health or the environment, the Administrator may issue a warning in lieu of assessing a penalty. (*emp added*)

The Respondent has not and does not waive his right to a hearing pursuant to FIFRA SEC 14 [U.S.C] (a)(3) at in the city or county of my resident prior to any civil penalty being assessed against me. This is to advise that my city and county of residence is:

Crystal River, Florida

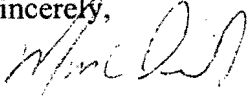
In regards to FIRFA SEC 14 [U.S.C] (a)(4) no allegation of significant harm to health or environment has been alleged in any writing to me.

SPECIFIC WRITTEN DENIAL:

I deny I have caused any significant harm to health or environment for any alleged acts by me.

Regarding


Sincerely,



Mark Ovard

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 26, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303



Mark Ovard, Respondent
Signed on March 26, 2014

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Beverly L Bingham
Chief, Pesticide Section
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Summary partial presentation of relevant facts and law

Dear Ms. Bingham,

I stated I would send a fact summary prior to my having reviewed policy, rules of procedures and policy guidelines and manuals with their specific requirements for the form of responses. This is only a partial summary. A full response in preparation for submission to the Clerk of the Administrative judge is being prepared and a copy sent to you if it reaches that point. This requires specific admissions and denials of every word of your letter in a highly formalized and specific form, which is nearly complete and being reviewed and edited.

There is lack of clarity at what point in time the deadline to seek a review/appeal from an Administrative judge of the E.P.A. has occurred as this matter is not being handled by your department in a proper and orderly manner as stated in another *letter (i.e. complaint of lack of a Show Cause Meeting)* and it appears your department relies upon violating procedural rules and deception in these cases. I may only have a few days from the date of this letter to begin filing sum voluminous paperwork to you and the Clerk's Office for the E.P.A. Administrative Judges - unless I am advised no complete final determination of all including fines has not yet been reached (*meaning the clock on any deadline has not begun.*)

Certain material may have sections that are redacted. This related to governmental usage of dfwx.com, not personal or business confidential material. If there is redacted material, it will be indicated to you by (*****redacted*****). The actual full text will be sent to the Clerk of the Office of the Administrative judges with specific markings on a sealed envelope to be placed under lock and key pursuant to rules of the court and federal law. The same redacted copy will be sent for placement in the open court file.

It would be at the discretion of the Administrative judge to decide whether he/she wishes to review the redacted materials and whether he/she is authorized under law to do so. The judge may, at his or her discretion, inquire of the nature of the redacted material in-camera in chambers with only the person/party that presented the redacted material. A court reporter generally is present, though the court may order the transcript sealed. It is then the decision as to whether to allow the other parties to know see the redacted material either in-camera (*in judge's chambers*)

or in open court. The exception would if an authority with higher jurisdiction ordered the judge take other steps, to not view the redacted materials or overrules the Administrative judge's decision.

No redacted materials concern personal information of the Respondent or business secrets, which is likely the more common reason for redacting pleading, motions and other writings.

What follows is a partial casual fact summary: *A formal complete response double spaced will be sent in the event of an appeal to an E.P.A. Administrative Judge.*

Most relevant facts: I am a retired tenured judge and am neither in the boric acid selling business nor every have been. **I have never sold nor offered to sell boric acid personally, in any business capacity or in any employment capacity.** On that fact alone there is no legitimate case against me.

The PayPal button on the glycol.html page was not for any account of any kind I have. I can state that even with my having never seen the glycol.html page to my knowledge, **I would have no ability to put a PayPal button there as I do not have such a PayPal account.** Again, on that fact alone there is no legitimate case against me.

I have never posted anything on dfwx.com stating boric acid is a pesticide. The only thing I have posted online is that it is not a pesticide upon demands and threats by an inspector, possibly with the State Of Florida Agriculture Department.

However, since I do not offer or sell boric acid I could post 1000 pages of an opinion on how to use boric acid as an insecticide without violating any statute whatsoever. I could write books on the subject of using boric acid for killing bugs, put up billboards saying so and stand on a street corner shouting "kill bugs with boric acid, not poisons" and I would not be violating any law or regulation as I do not sell boric acide.

Furthermore, there are specific laws protecting Internet domain and website owners from ANY liability for what anyone else puts on their website or domain even for commercial sales by others. Ask Google, Ebay and Amazon. I will present such statutes and case law in court if it reaches that point. I could have even written a personal testimonial of the boric acid on www.dfwx.com with no liability because I was not selling it.

The essential core flaw to the complaint is that I did not, do not and never have sold boric acid. I am not liable for anyone else who did, regardless of what name they claimed they were selling it in.

I write under my own name and two pseudonyms both recorded in Florida as fictitious names, one of which is "Guardian Of Eden." **Guardian of Eden is a synonym** used by hundreds of thousands or millions of people as it means "environmentalist" or "naturalist." There are also metaphysical and ideological meanings. **A fictitious or pseudonym name does not equate to a business operation.**

"Guardian Of Eden" is a synonym meaning "environmentalist" or "naturalism" used by hundreds of thousands or millions of people. It also has a Karma usage. The synonym is used by a vast number of people. A Google search will show approximately 2,000,000 websites that list it as a keyword, meaning it is more likely found on 200,000,000 websites. Ms. Livingston of

your department interrupted me stating it was irrelevant as I explained this declaring the March 18, 2014 was not a Show Cause Meeting. No Show Cause Meeting has been held nor allowed.

It is unfortunately if the United States Environmental Protection Agency is not a Guardian Of Eden as that would seem to have been the purpose of its creation. If so, the agency should be abolished.

Numerous other people sell products and do business as Guardian Of Eden, including various spellings and manners of presentation. Anyone or any business may do so.

Those basic facts mean there is basis for a case against me. At a summary level, it is that direct and simple.

I did not create the page www.dfwx.com/glycol.html nor was aware of its existence until the March 12, 2014 letter from Mr. Bingham. At that time I deleted the page.

I have never owned a business called "Guardian Of Eden" offering to sell boric acid nor have I ever personally done so. I am aware someone(s) or someone(s) else or some company(ies) has in the past using an account of "Gardian Of Eden." Other people and businesses use Guardian Of Eden. I am not them. The Internet is often called a cesspool of misinformation.

My own usage space at the 6894 W. Gulf To Lake Hwy, Crystal River, Florida 34429 measured approximately 6 foot by 12 foot. I used 96 square feet of an approximate 3,000 square foot building. I was allowed to use this for free.

I have never paid rent for 6894 W. Gulf To Lake Hwy, Crystal River, Florida, 34429 nor am the owner of that location.

Understanding "Private Labeling"

At that location I used a 6 foot by 12 foot space. It is my understanding that location at the time of the inspector was included many businesses including for private labeling services. Private labeling services is a business that will make products either from bulk inventory they can obtain, have or or is provided to them by an individual or company. It may be a small home-based business wanting a dozen units or the company the size of Wal-Mart or Wholefoods wishing the product. The majority of products on the Internet are private-label provided.

The private labeling company will assemble the product from what level it received it, put on whatever the label the individual, merchant or company provided - and may offer a labeling service too - to produce the product for the merchant or company with their label. At that location I saw labeled products across time for hundreds of individual merchants and companies of every possible individual and company name. Generally, unless the product is illegal, private labeling companies to not police label language, are not involved in any advertising, nor take any steps to assure the legitimacy of the business name as this is not a concern of the labeling company. The products may be for wholesale or retail distribution, and maybe be repackaged and relabeled still to other companies or individuals along the path. The product may not be for sales whatsoever. As best I knew, there were numerous small companies or individuals with whatever business name they used - if any - using that location as all or part of private labeling services.

I have no liability for what any of them did, nor their merchants, their products, who they were supplying to, what they put on the labels, or how any of it was marketed.

Anyone could have boric acid packaged, labeled and sold online as distributed by "Environmental Protection Agency" stating Kimberly L Bingham is the owner, stating and it has pesticide usage thru 1,000 different private labeling companies and putting this on 10,000 websites. While it would be actionable against whatever person or business that did so, it could be very easily done. Again, the Internet is a cesspool of misinformation and anonymous merchants, just as it offers a wealth of true information and legitimate products.

I am the owner of the open source domain www.dfwx.com, which has a vast variety of offerings of businesses, services and information written and posted by hundreds or thousands of people. It is similar to website forums and websites such as Ebay and Amazon. I charge no fee nor require any prior approval or review for posting on dfwx.com. The website also is used by (**redacted**).

The only pages I have ever been aware of mentioning boric acid in any way on dfwx.com until Ms. Bingham's letter was www.dfwx.com/boric.htm/html. I did not write or post those pages. When advised the usage language on it violated law by an inspector in 2009, I removed any and all usage language that same day by discretionary editing of others materials and replaced it with "This product cannot be used as a pesticide."

I am the domain owner of www.dfwx.com. It is an open source website similar to Facebook, Twitter, forums, Ebay, Amazon, Google Market Place, and Craig's List. No fee has ever been charged to anyone for posting on it. If www.dfwx.com is explored it has a large variety of htm/html pages. Less than 10% of dfwx.com is viewable in the United States.

Hundreds or thousands of people and organizations have access to creating htm/html pages on www.dfwx.com. The website was created in 1998 and quickly became one of the top 1% websites for traffic in the world. Much of dfwx.com is not viewable in the United States or by me.

In terms of gigabytes, the overwhelming usage of www.dfwx.com is by government agencies. In the event of appeal, that information will be redacted and placed under seal and lock of the Administrative Judge only allowable for in-camera presentation as stated above. It is not my contention boric acid was placed on dfwx.com by any agency.

It is a false assumption that I own a business offered called "Guardian Of Eden" that offered or sold boric acid. This assumption is inaccurate.

"Guardian Of Eden" is a phrase and title used by millions of people. For a person to call him/herself is a "Guardian Of Eden" is identifying one's self as an environmentalist or naturalist. It also has ideological and metaphysical meanings and usage to some people such as myself.

I write under numerous pseudonyms for which I have two registered fictitious names, one of which is "Guardian Of Eden." **A fictitious name to be used as a pseudonym does not constitute a business operation. Anyone else may write under the pseudonym of Guardian Of Eden or any other fictitious or may do so anonymously.**

There are many individuals who do business in the business or personal name of Guardian Of Eden, including various spellings. Far more post online calling themselves "Guardian Of Eden" - which is declaring to be an environmentalist or naturalist. Most do not also include their name -

as anonymous posting under some I.D. or symbolic name is common in general on the Internet. None of them are me.

The claim that I am liable for what others post on my domain is exactly contrary to laws concerning the Internet and is an action of equal or greater harm to anyone who uses the dfwx.com website, including any government organization or agency.

I am well aware that E.P.A. procedures and relevant statutes and guidelines essentially say the E.P.A. always wins and staff members of the E.P.A. may disregard all policy guidelines, such as those regarding the proper conducting of a Show Cause hearing and disregarding standards for setting fines. However, the E.P.A. is not the only government entity nor of the superior raw and summary power. I would urge who is the final reviewer with the E.P.A. of this matter to pause and review the factual details of the case, rather than tread milling it on assumptions.

As the domain owner of dfwx.com, like Amazon, Ebay, Craig's List, any forum or any of the other million open source websites/domains, I may set any standards I wish or have no standards whatsoever, and may remove or edit anything placed by anyone else on the forum, website or domain. I have no liability for what anyone posts on the website by specific laws protecting the Internet as an open source and that all domain owners rely upon – such as Ebay, Amazon and Craig's List - and as do 100% of search engines such as Google, Firefox, Yahoo and Bing/MSN/Microsoft, whether or not the information posted by others is accurate or lawful.

Dfwx.com is massive and I do not routinely review all of it that I would be able to review. In fact, I now rarely look at it. At my discretion, I will remove from dfwx.com if brought to my attention:

Racial, ethnic, religious, gender or sexual orientation slurs.

Offensive or harshly partisan political statements.

Any material when I deem offense or insulting.

Any material I believe is false or fraudulent.

Any material that I believe is harmful to persons.

Any material that inaccurately promises health benefits.

Any material I believe if harmful to the environment.

Any material that jeopardizes dfwx.com or myself.

Any material that is illegal.

Any material that is pornographic.

Any material that contains obscene language.

Any other material I decide to remove or alter at my discretion.

However, so can anyone with access to the dfww.com website may edit, alter add or delete anything, including entire htm and html pages. That's how open source websites work. There are hundreds of thousands of websites anyone can post anything on and the domain and website owners are not liable. I am not required to remove anything nor liable for what anyone puts on

dfwx.com or any other website or domain name whether I own it or not. I am only liable for my words and would only be liable for products that I offer.

Upon being informed at the 2009 inspection that the boric acid language was in violation of E.P.A. regulations, I removed the offending language from boric.htm and boric/html and replaced it with "This product cannot be used as a pesticide." That it is a false statement, but I did not care to expend time battling with summary and false assumptions by a government agency acting on behalf of State Of Nebraska homophobic bigots so made that entry. I have since eliminated the page, though had no legal duty to do so.

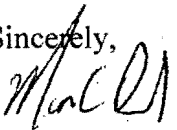
Upon being informed in the March 12, 2014 from Ms. Bingham that there was a page of "glycol.html" on dfwx.com with language that violated E.P.A. regulations, I also promptly deleted boric.htm/html, deleted and two other pages I found presenting that boric acid can be used as a pesticide.

There has been no occasion where the E.P.A. has brought to my attention their claim that someone posted illegal language about boric acid that I did not either promptly remove the language or delete the entire page - although I actually have no legal obligation to do so. I have no liability for what others post no does any other website or domain owner of any open source domain.

It is clearly established law that a domain owner is not responsible for the contents of open source websites. If otherwise, the Internet could not exist as it is and the largest corporations in the country operate entirely on that premise. If domain owners were responsible for what others post on their domains, every search engine including Google, Bing/MSN and Yahoo would have to entirely shut down, as would the majority of all websites, forum, FACEBOOK and millions of others.

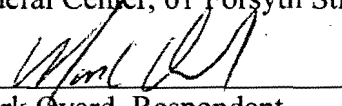
On every occasion and without exception I have removed any language advised to improper by the E.P.A. or deleted the page the same day it was brought to my attention. I did so for boric/html when first brought to my attention in 2009 and glycol/html when first brought to my attention by the March 12, 2014 by Ms. Bingham of the E.P.A. If there is any other language pages the E.P.A. wishes removed or alter, please advise.

I am willing to sign an agreement that I will make a diligent effort to keep any materials claiming to be a pesticide off of dfwx.com - although I have no legal duty to do so, which I could do by doing a DOS key word search of the website collection visible to me on a regular schedule. There are pages on www.dfwx.com not visible to me or in the USA placed by (*****redacted*****) that I cannot review or alter. I am confident those pages will have no relation to boric acid nor are viewable in the United States. Sincerely,

Sincerely,

Mark Ovard

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 25, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303.


Mark Ovard, Respondent
Signed on March 25, 2014

cc: Heather McTeer Toney, Southeast Region 4 Director
Patricia Livingston, EPA Region 4

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Kimberly L. Bingham
Chief, Pesticides
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Patricia Livingston
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Molly Miller
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Shanieka Temamon
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Request/demand for a Show Cause Meeting

Dear Ms. Bingham and Ms. Livingston,

Contrary to the letter from Ms. Bingham of March 12, 2014, the telephone conference with Patricia Livingston was not a Show Cause meeting. Rather, Ms. Livingston repeatedly stated that no elements of a proper Show Cause meeting would be allowed. Ms. Livingston explained that the only purpose of the phone call was for me to state whether I agree to pay fines to later be set, and if not then the E.P.A. would seek maximum fines. Repeatedly she prodded me to declare the telephone meeting over and to declare I wanted an Administrative judge to review the case.

Every attempt I made to present or discuss actual show cause topics was immediately interrupted by Ms. Livingston explaining she would not allow any show cause meeting subjects or topics to even be summarily presented or mentioned. The telephonic meeting was just a short threats and intimidation session.

By initial examination, this is a portion of the purpose and guidelines for an E.P.A. show cause meeting include:

" Once the appropriate owner/operator has been notified of the violation or release, he or she may be provided with an opportunity to meet with enforcement personnel to negotiate a corrective action plan or present any factors related to a technical violation that may mitigate the enforcement response. One method for achieving this is to invite the owner/operator to a "show cause" meeting. The show cause meeting provides the owner/operator with an opportunity to present to the Agency any factors related to the case that might mitigate the Agency's enforcement response and to provide it with an opportunity to gather information and to clarify any factual and legal issues that may have arisen." (*emp. added*)

Ms. Livingston repeatedly interrupted to advise that no information or discussion would be allowed concerning factual or legal issues.

In addition, no discussion was had or allowed concerning the guidelines for establishing the level of fine. Rather, Ms. Livingston state the only issue was that if I did not agree to pay whatever fines were set for whatever arbitrary reasons at that time the E.P.A. would demand maximum fines.

Her response to my attempting to discuss facts and law on the case and not willing to agree to whatever arbitrary fines would be later set was for her to declare the meeting over. This was after she repeated prodded me to announce I was asking for the matter to be decided by an Administrative Judge and prodded me to end the phone call.

You, the Director of your Region and the E.P.A. leadership should be outraged by such conduct. Since two other persons were present with the E.P.A. it is indicated this is routine practice. The Respondent understands the purpose, where likely most pro se small business owners would not. The Respondent is a retired judge, a former judicial trainer, and has been in virtually every level of court and quasi-judicial proceeding in the past in nearly all capacities at the local, state and federal level. The tactic used by Ms. Livingston is uncommon but not unique. It is converting proper rule of law and the intent of the law, to lazy personal power-tripping and institutional thuggery.

I fully understand, as does she (*and you*), that few pro se parties have any clue how to proceed with an appeal to an Administrative judge, how to read the over 1000 pages necessary to correctly do so, and even then having no real ability to make an proper presentation in in any court or administrative quasi-judicial proceeding. The process is designed to prevent anyone ever being able to tell their side and with a conscious disregard for rule of law, facts or the intent of the E.P.A. having enforcement power.

By deliberately and openly disallowing any and all statements or purposes of a show cause hearing other than threats, she gave herself an extra hour off at the end of the day and had to expend no thought nor effort to the case. This also establishes a sense of helplessness in the pro se person, for which she can hope the pro se party simply defaults unable to know how to proceed with an appeal within deadlines. Even if that fails, she has passed all the work onto an Administrative judge for which she can rely the pro se party will fail there being unable to make a presentation - or attempt to hire an attorney (*if can afford it*) only to learn it costs more for an attorney than setting up a payment plan.

The practice is diametrically contrary to the intent and purpose of E.P.A. and statutory provisions. It also should outrage those above her who are then burdened, particularly the limited resources and time administrative judges, and declares the E.P.A. is nothing more than a shakedown organization totally disconnected to any purpose or statutes related to the environment or its task.

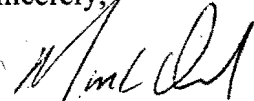
Whether failure to conduct a show cause meeting is the basis for an abatement or dismissal by an administrative judge, the EAB board or a District Court would be up to those authorities to decide if the matter reaches such levels.

Formal Request for Show Cause Meeting:

If your office is willing to set an actual Show Cause Meeting, rather than just a telephone call for which the E.P.A. demands a person summarily states whether or not they will pay whatever fine is to be set along with threats if not, please advise of the date and time.

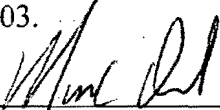
It is probable I will wish to appear in person and to have a court reporter present at my expense for the meeting. Please advise if such a Show Cause Meeting will be allowed.

Sincerely,


Mark Ovard

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 25, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303.



Mark Ovard, Respondent
Signed on March 25, 2014

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Advisement that the U.S. E.P.A. Pesticides Section of Region 4 refuses to allow Show Cause Meetings

Dear Ms. Toney,

This letter is to advise you that the U.S. Department of Environmental Protection, Pesticides Section of Region, refuses to allow show cause meetings.

The stated purpose of a show cause meeting is to allow the Respondent and the Petitioner to present or discuss:

Issues of fact and law relevant to the complaint
Factors that may mitigate enforcement actions
To allow the Respondent to present mitigation factors
To allow the Respondent to clarify matters of fact and law
To discuss economic facts for the calculations chart for fines

However, in what was stated would be a show cause hearing with the Respondent, conducted by Patricia Livingston and attended by Molly Miller and Shanieka Temamon of the E.P.A., Ms. Livingston refused to allow or discuss any of above matters, literally interrupting immediately upon any attempt to present such matters. Rather, she explained the sole purpose of the meeting was for me as Respondent to say whether or not I was agreeing to pay whatever fine was demanded. If not, the E.P.A. would seek maximum fines.

Ms. Livingston repeatedly prodded me to declare the "meeting" over and to declare that if I want to present anything I must do so to an Administrative judge, also prodding me to say this was my wish. When I stated I would not commit to summarily paying fines she declared the meeting over.

The problems with this are almost too numerous to name:

1. It is a deliberate and conscious disregard for her duties as a staff member of the U.S. Department of Environmental Protection.
2. It is a reckless or deliberate refusal to comply with the published policies and guidelines of the E.P.A. for the conduct and purpose of Show Cause Meetings.
3. It is a deliberate and conscious indifference to the facts, circumstances or law of a complaint.
4. It is a deliberate and conscious indifference to rule of law, process of law, and the rights of Respondents - specifically targeting poor, low educated, unemployed and particularly a higher percentage of minority Respondents.

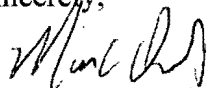
5. Specifically targeted in this are those who cannot afford an attorney - including a disproportional percentage of minorities and women, the poor, low educated, mentally born slow learners, are English 2nd language, and unemployed - who are being tricked into allowing appeals deadlines to pass forcing default lose regardless of any wrongdoing; and reliant upon false complaint and unjust fined due to their having no ability to understand the voluminous rules to prepare an appeal to an Administrative judge, nor have any competency to present their side in the court of an Administrative judge.

6. It is damnably lazy and is merely passing her work assignment onto the likely already overburdened Administrative judges and their staff with otherwise unnecessary appeals and litigation.

7. Such unnecessary appeals and litigation wastes limited E.P.A. usable funding for legitimate usage and environmental protection.

This horrific practice should be promptly discontinued. I have been in numerous communications with others of such experiences. This practice of declaring the E.P.A. absolutely does not care to hear any person's side is the single most frequent complaint of the E.P.A. and not over enforcement or regulatory statutes.

Sincerely,



Mark Ovard

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 25, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303.



Mark Ovard, Respondent

Signed on March 25, 2014

cc: Director, United States Department of Environmental Protection, D.C.

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Kimberly L. Bingham
Chief, Pesticide Section, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Affidavit of Respondent Regarding Certain Specific Facts

Dear Ms. Toney and Ms. Bingham,

Attached is an affidavit concerning certain relevant facts to place affirmative proof by sworn denial into the record, thereby requiring the United States Environmental Protection Agency to present superior contradicting proof if there are formal subsequent proceedings before an Administrative Judge of the E.P.A., the relevant E.P.A. Board or subsequently a United States District Court. If the matter evolves to a United States District Court a cross action would be filed seeking a permanent mandatory mandamus and injunction to assure the Respondents free speech rights on the Internet and rights under statutes related to website and domain ownership and operation in relation to other persons who post or write on such domains and websites – as is well understood and established law and practice of the entire Internet.

Certainly if the matter evolves to such formal litigation beginning before an Administrative Judge of the E.P.A. an additional affidavit(s) to encompass all residual side issues would be provided.

Sincerely,

Mark Ovard

Affidavit of Mark Ovard

My name is Mark Ovard, I am of the age of majority and competent to give this affidavit, and I state the following is true, accurate and within my personal knowledge unless specifically stated otherwise herein:

"I am a retired tenured judge and have never sold or offered to sell boric acid in any capacity.

I have never sold boric acid in the name of Guardian Of Eden.

I am aware that a great number of people use Guardian Of Eden as a synonym meaning being an environmentalist, naturalist and other ideological, philosophical, metaphysical and activist meanings.

I have never offered boric acid for sale on any page of the website dfwx.com, including any htm page, html page, php page or any other page of dfwx.com.

I gave that example in the affidavit as it appears whoever is pursuing this case does not know how the Internet functions or has a conscious indifference to the truth in my opinion.

I have never posted on dfwx.com on any occasion that boric acid may be used as a pesticide, insecticide or fungicide. However, I do not agree that I am prohibited from doing by any statute, law or regulation.

I have never manufactured boric acid in any manner in any capacity or in any name.

I never put a PayPal button on dfwx.com or any website selling boric acid.

The PayPal account I have is in the name of "Mark Ovard" and by my knowledge it was suspended years ago and I have not used it for any purpose since nor could. The usage of my PayPal account was for personal usage on EBay, which required purchases by PayPal.

The E.P.A. has never provided me with a copy of the alleged glycol.html page for each or any of the dates stated. Website pages can be changed (overwritten) moment by moment which deletes (erases) the prior page appearance.

I am the owner of an open source domain and website of dfwx.com, which I and hundreds or thousands of individuals, merchants and organization each my post on, create any page, remove any page or edit any page at any time, day or night, any day, since 1998. The range of individuals, professionals and companies that have or do post on dfwx.com is highly diverse, with "DFWX" itself standing for the "Dallas Fort Worth Wedding Exchange."

I do not review or require review by anyone prior to their activities on dfwx.com nor have any obligation to do so.

I do not believe I have any liability for what anyone posts on dfwx.com other than myself; which is no different than for Google, Bing, MSN, Yahoo, Amazon, EBay, Craig's List, Etsy, Google Marketplace, Amazon Prime, Facebook, Twitter and the millions if not hundreds of millions of other forums, websites, blogs and other open source domains and websites; and further believe this right is strictly protected by statute, law and constitution.

The only words I have ever posted on dfwx.com is that boric acid "may not be used as a pesticide" after a demand by an inspector from some state or federal agency in 2009. A fire in 2013 destroyed many records including copies that inspectors papers he left with me to the best of my recollection. That change was made to two htm and html pages of boric.htm and boric.html at that time in 2009, although I do not agree that I had to do so. I have requested a copy from Ms. Toney and Ms. Bingham of Region 4 of the U.S. Environmental Protection Agency, Region 4.

The inspector mentioned above was pleasant, but made many accusations, false assumptions plus demands. He provided no documentation nor requested any. He ordered me to sign papers to the best of my recollection. I do not recall what they said.

On or about March 13, 2014 I received a letter dated March 12, 2014 complaining of the webpage dfwx.com/glycol.html. Although I had no obligation to do so, I deleted that page that same day. I also did a DOS search of dfwx.com and removed the pages boric.htm, boric.html, and glycol.htm, plus removed the words "boric acid" from other pages I found with those two words. I do not believe I had any legal requirement to do so.

On the two occasions where I was informed a website page on dfwx.com supposedly violated some law, both in 2009 and 2014 I removed the page. However, I do not believe I had any legal obligation to do so and have no liability for webpages or words on webpages other people post, nor any manner to know who posted them nor any reason to care to know.

I then informed Ms. Patricia Livingston, whom Ms. Bingham advised in the March 12, 2014 letter I received as to whom I should contact, informing her I had removed the pages. She stated I am liable for what others posted on the website in the past, which is exactly contrary to law. Per the letter I stated I wished a Show Cause Meeting.

I prepared for a Show Cause Meeting set for the next day, including a summary presentation of issues, facts, and mitigating facts and also to provide fine calculation information, although I do not believe I committed any violations nor owe any fines. I had reviewed the standards and policy for Show Cause Meetings with the E.P.A.

Ms. Livingston stated that two people named Molly Miller and Shanieka Tennamon were present with her for what appears a speak phone telephonic meeting.

I tried repeatedly to present facts, issues, matters of law and mitigating factors in the telephonic conference. Without exception, Ms. Livingston promptly interrupted making it clear her only interest was in my stating whether or not I would agree to pay fines, no fine amounts even stated. She repeatedly prodded me to stating I wanted to end the phone call – which I did not – and prodded me to state I wanted the matter to go to an Administrative Judge due to my refusing to agree to pay fines. She stated that if I do not agree the E.P.A. would seek maximum fines as a threat. When I would not summarily agree to any or whatever fine amounts were later set she declared the "meeting" over and hung up.

Not one element of any kind was allowed as stated are the purposes of an E.P.A. Show Cause Meeting. It was singularly a brief statement of threats and demands, for which I could concede or not.

For relevant information for any calculation of fines chart, my income from the sale of boric acid is \$0 as I have never sold or offered to sell boric acid. Accordingly, I have no employees that have ever sold or offered to sell boric acid.

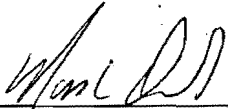
No allegation has been even made of any harm or endangerment to humans or the environment, which combined with I never sold boric acid means the harm calculation also is \$0.

In my opinion, the matter began by assertions based upon 2 tiers of hearsay, with that hearsay also based solely upon false fact assumptions.

In the past I have seen numerous other websites offering products, writings and opinions in the name of Guardian of Eden, Gardian of Eden and in various spellings. Anyone may call themselves a Guardian Of Eden, just any anyone may call themselves an environmentalist, naturalist or anything else they want to call themselves, legitimately or not. Nor are there any safeguards against pirating other company or individuals names for usage on the Internet or on products. Misabeled and scam products are also very common as an understatement.

The Internet is both a wealth of information and outstanding resource for products and services, but it also is a cesspool of fraud, deception and misinformation. I am responsible for none of it but what I put online myself personally - whether or not it is my domain or website.

Possibly some training in knowledge of the Internet is warranted within Region 4 of the U.S. E.P.A. as, by my understanding, it is now over 50% of all retail sales and a huge percentage of wholesale, bulk, private labeling and repacking services and products."



Mark Ovard

Before me appeared Mark Ovard, who on the 25th day of March, 2014 appeared before me and sworn and deposed the foregoing statement is true, accurate and within his personal knowledge.

Original Sent to Director HM Tracy, Region 4 EPA
Notary Public In and For The State of Florida
Date: March 25, 2014 *and original for Respondent's File*

Certificate of Service

The Respondent, Mark Ovard, herein states that on March 25, 2014 he mailed a true and correct copy of the foregoing by certified mail, return receipt requested to the above named Heather McTeer Toney and Kimberly L. Bingham of the United States Environmental Protection Agency, Region 4, at the address of the Environmental Protection Agency, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303.

Mark Ovard, Respondent
Signed on March 25, 2014

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Heather McTeer Toney
Southeast Region 4 Director
Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Kimberly L. Bingham
Chief, Pesticide Section, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Location designation preference in event of contest to Administrative Judge of the E.P.A.

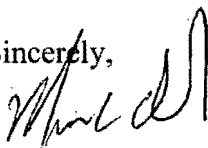
Dear Ms. Toney and Ms. Bingham,

The rules concerning matters filed for review/appeal to an Administrative of the United States Environmental Protection Agency provide that both parties state where they wish the hearing/trial to be held, indicating a prejudice for the convenience of the Respondent including federal and state courthouses and buildings.

There is a strict requirement to give notice of such preference to the opposing side, which is the purpose of this letter.

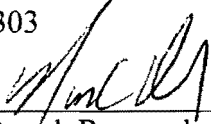
This is notice that if this matter is to be heard before such an Administrative judge, the most convenient location and the location of my preference is:

United States District Court
Northern District of Florida
Gainesville Division
401 SE First Ave.
Gainesville, FL 32601

Sincerely,

Mark Ovard

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Mark Ovard, Respondent
Signed on March 25, 2014

March 24, 2014

From: Mark Ovard
P.O. Box 636
Crystal River, Florida 34429
(352) 445-0935

To: Kimberly L. Bingham
Chief, Pesticides
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Patricia Livingston
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Facts related to calculation of the level of fine

Dear Ms. Bingham and Ms. Livingston,

Failing to comply with rules for calculating the level of fine:

No inquiry has been made concerning calculation of fine(s) pursuant to the FIRFA Enforcement Response Policy, IV 7.

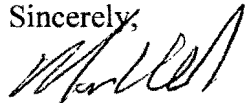
This letter provides that information:

IV 7(A)(2) Size of business: Zero (\$0) employees (the "owner" assertion of the complaint is inaccurate.)
Gross sales income applicable: \$0

IV 7(A)(3) Gravity of the Violation: \$0. No harm to persons or environment has been alleged.

The total sum involved for all calculations for the guideline chart each is \$0.

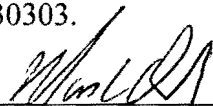
Sincerely,



Mark Ovard

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Mark Ovard, Respondent
Signed on March 25, 2014



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 12 2014

UNITED PARCEL SERVICE

Mr. Mark Ovard
Owner
Guardian of Eden
6894 West Gulf to Lake Highway
Crystal River, Florida 34429

Re: Opportunity to Show Cause
Violation of Federal Insecticide, Fungicide and Rodenticide Act

Dear Mr. Ovard:

The U. S. Environmental Protection Agency has reason to believe that Guardian of Eden has violated provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. § 136 *et seq.*, as set forth below.

On or about May 5, 2009, an authorized representative of the EPA conducted an inspection at your facility located at 6894 West Gulf to Lake Highway, Crystal River, Florida, to determine compliance with FIFRA. The inspection revealed that the product "Guardian of Eden Boric Acid Powder," was being packaged and sold by your facility; and that statements on your company's website qualified as pesticidal claims. The claims included the statements, "a biocide against fungus and mold", "All natural Boric Acid is the "secret ingredient" in so many commercial treatments for insect control." and "...is nature's proven long-term treatment in eliminating Cockroaches, Palmetto bugs, Waterbugs, Ants, Silverfish, Carpenter Ants, and Termites".

Subsequently, a review of the company's website (<http://www.dfwx.com/glycol.html>) was conducted by an EPA inspector on August 21, 2012, and again on March 4, 2014. The review of the website indicates that Guardian of Eden is still offering boric acid products for sale accompanied by additional pesticidal claims such as, "Termite Treatment" and "Anti Termite Mixture ...". The website provides the opportunity to purchase boric acid products by using the "Add to cart" option. Statements claiming to eliminate pests are considered pesticidal claims. Therefore, the products are considered to be pesticides and require registration. It is unlawful, according to Section 12 (a)(1)(A), to distribute or sell any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

Additionally, companies who produce pesticides are required to register their facilities with the EPA as pesticide-producing establishments. Guardian of Eden was not registered as a pesticide-producing establishment with the EPA as required by Section 7 of FIFRA, 7 U.S.C. § 136e, at the time of the inspection or website review. It is a violation of Section 12(a)(2)(L), 7 U.S.C. § 136j(a)(2)(L) for a producer to violate any of the provisions of Section 7 of FIFRA.

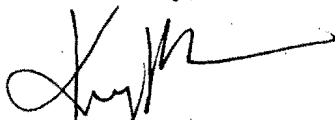
Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), violations are subject to a civil penalty of up to \$7,500 for each offense. This letter serves to notify you of the opportunity to show cause why the EPA should not take enforcement action with respect to these violations. This opportunity to meet with the EPA personnel may either be done in person at our Atlanta office or by telephone conference on a mutually convenient date. Please contact Ms. Patricia Livingston at (404) 562-9171 within 14 calendar days of the date of this letter to schedule the meeting.

The EPA developed an information sheet entitled "U.S. EPA Small Business Resources" to help small businesses understand federal and state environmental laws and rights under the Small Business Regulatory Enforcement Fairness Act. The information sheet can be found on the internet at: www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf. If you do not have internet access and would like to request the document in hard copy, please contact Ms. Livingston at the phone number above.

Sincerely,



Kimberly L. Bingham
Chief
Pesticides Section

cc: Florida Department of Agriculture
and Consumer Services
File No. 109-169-207

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible.** Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS**

UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.


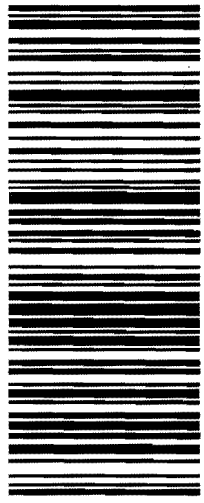

Hand the package to any UPS driver in your area.

Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

FOLD HERE

PATRICIA LIVINGSTON 4045629171 US EPA - REGION 4 61 FORSYTH ST SW ATLANTA GA 30303	0.0 LBS LTR 1 OF 1	SHIP TO: MR. MARK OVARD GUARDIAN OF EDEN 6894 WEST GULF TO LAKE HIGHWAY CRYSTAL RIVER FL 34429-7801	FL 335 7-01 	UPS NEXT DAY AIR 1 TRACKING #: 1Z WR2 574 01 9703 3883 	BILLING: P/P	Reference # 1: Air  CS 16 1.04 W001E80 48.04 01/2014
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Guardian of Eden
6894 West Gulf to Lake Highway
Crystal River, Florida 3364429

Exhibit No.	Description
1	Notice of Inspection, dated 05/18/09 PEI Inspection Report – Narrative, dated 06/18/09 PEI Inspection Report – Checklist, dated 05/18/09 Affidavit Statement, dated 05/18/09 Section 7 Affidavit Statement, dated 05/18/09 Copy of website, dated 05/11/09 - Advertisement for Boric Acid, dated 05/11/09 - Advertisement for Boric Acid and Propylene Glycol, dated 08/21/12 Pesticide Sample Collection Reports (2), dated 05/18/09 State of Florida Pesticide Enforcement Work Request, dated 05/05/09 Email from Nebraska Department of Agriculture, dated 05/05/09 Email from Mark Ovard, Owner, Guardian of Eden, dated 05/20/09 FDACS Review Sheet, dated 03/28/2011 Letter of Warning from FDACS to Guardian of Eden, dated 04/27/2011 Letter to EPA Region 4, dated 04/27/2011
2	Samples – Photo Key - National Boraxx product label photos (7) - Guardian of Eden product label photos (11) Shipping Records Product Label – Boric Acid Technical Grade, National Boraxx
3	Opportunity To Show Cause Letter, dated _____ FIFRA Civil Penalty Calculation Worksheet Penalty Justification Memo
4	Florida Secretary of State Corporation Search Complaint on GOE website, dated 02/23/2012 EPA R.E.D. Facts on Boric Acid Beyond Pesticides sheet on Boric Acid Background from internet, company website
5	Case Screening, AADS, CCDS, EJ Analysis
6	Correspondence, Email



CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services

NOTICE OF INSPECTION

Chapter 487.071, F.S.

File Number: 109-169-2071 Date: 5/15/09 Time: 2:00 AM ☒ PM
Name of Individual: Mrs. Rene Hovious Title: Owner
Name of Firm: Internet Product Sales/Guardian of Eden
Address: 6894 West Gulf to Lake Hwy City: Crystal River State: FL Zip: 34429
Signature of Department Representative: [Signature] Title: Env Specialist

REASON FOR INSPECTION

- ☒ For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled, and released for shipment, and samples of any containers or labeling for such pesticides or devices, in places where pesticides or devices are held for distribution or sale. Authority: Sections 487.071, 487.031(13)(r), and 487.163(2), Florida Statutes.
- ☒ For the purpose of inspecting and obtaining copies of records or information specified in Section 487.048, 487.160, or 487.205, Florida Statutes; or Section 5E-2.028, 5E-2.039, 5E-9.032 or 5E-9.033, Florida Administrative Code; or Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; or Part 169 or Part 170, Title 40, Code of Federal Regulations. Authority: Sections 487.071, 487.031(13)(h) and (r), and 487.163(2), Florida Statutes.
- ☒ For the purpose of inspecting sites and collecting samples and data where pesticides are known or thought to be stored or used to determine if pesticides are being used in compliance with Chapter 487, Florida Statutes; and Chapters 5E-2 and 5E-9, Florida Administrative Code. Authority: Sections 487.071 and 487.031, Florida Statutes.

Purpose of Visit:

Suspected violation: Un-registered producer
Establishment selling un-registered pesticide
product(s)

Investigation of your Boice
Viceb product as sent to our Department
from the State of Nebraska

PRODUCER ESTABLISHMENT INSPECTION

REFERRAL 109- 169-2074

JUNE 18, 2009

RE: GUARDIAN OF EDEN
6894 WEST GULF TO LAKE HIGHWAY
CRYSTAL RIVER, FLORIDA 34429
CITRUS COUNTY
PHONE: 352-563-5200

OUTPUTS: PEI(1), DOC (2)

PRIORITY AREAS:

SUMMARY:

This producer establishment inspection was initiated under the authority of the Florida Pesticide Law, Chapter 487 and the Federal Pesticide Law, FIFRA in response to Referral 109-169- 2074 where information was forwarded initially from the Nebraska Dept. of Agriculture to FDACS regarding a firm known "Guardian of Eden", appeared to be an un-registered manufacturer (Federal and State) marketing a boric acid product and making pesticidal claims for it via the internet; initial information indicated this firm was located in Crystal River, Florida with four possible locations.

On May 18, 2009, Credentials and Notice of Inspection were presented to Mr. Mark Ovard, and Mrs. Rene Hovious, Co-Owners of Internet Product Sales/Guardian of Eden at the 6894 West Gulf to Lake Hwy in Crystal River, Florida, (See Exhibit A - Map showing location of the firm).

Upon explanation as the reason for the visit, Mr. Ovard provided the product they purchased from the manufacturer, from which they repackaged and sold their own Boric acid product- the product their company sold by Internet. Receipts for Samples were issued to Mr. Ovard for the following samples:

DOC.No. 051809 2074 01 01- Consists of Label/container photos of National Borax Corporation's Boric Acid Technical Grade Powder, no EPA registration numbers, no EPA establishment numbers to represent 11 ea - 50 LB bags of the product, coded 7673 7P0519087R". This product is not State registered; no directions were present for review.

After review of this container and labeling present it appears that this product makes no pesticidal claims.

DOC.No. 051809 2074 01 02- Consists of Label/container photos of Guardian of Eden's Guardian of Eden Boric Acid, no EPA registration numbers, no EPA establishment numbers, to represent 30 ea - 6 LB containers of the product, no codes. This product is not State registered; no directions for use were present for review.

After review of this container and labeling present it appears that this product is in violation of FIFRA and Chapter 487; F.S. in that this is a un-registered pesticide being

manufactured by an un-registered producer establishment. Even though the container labeling makes no pesticidal claims; this firm in conjunction with listing this product on the Internet their sole means of contact with the public since there is no walk-in trade-See Exhibits B & C -Photos of business and internet advertising); this firm's online information/ advertising freely extolled the use of the chemical as a pesticidal product.

During the visit, Mr. Ovard stated that even though their Boric acid product did not incorporate any pesticidal claims, he was not aware that referring to any pesticidal qualities of the chemical could be construed as claims warranting registration of his company and the product; and had already discontinued sales of the 1 LB containers due to lack of sales. He added that they might just drop any further sale or distribution of the product. [Subsequent to this visit Mr. Ovard forwarded a letter by fax to this investigator's, dated May 20, 2009, wherein he basically state he thought it irresponsible not to include information about the proper use of the boric acid to prevent someone being harm and thus might make his firm liable in the event of injury or damage from the improper use of the product without proper instruction to prevent such an event, (See Exhibit D)].

BACKGROUND - None

ACTION - For your information and action as deemed necessary.



Daniel B. Sumner
Environmental Specialist II



CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services

Page 1 of 2

PRODUCER ESTABLISHMENT INSPECTION REPORT

487.13 Florida Statutes

File Number: 109-169-2074

Date: 5/15/09

County: Citrus

File Name: Guardian of Eden

EPA Est. No.: None

I. FIRM INFORMATION

Firm Name: Enter net Products Sales / Guardian of Eden

Mailing Address: 6894 West Gulf Lake Hwy / SR44 City: Crystal River Zip: 34429

Physical Address: Same City: Zip:

Telephone Number: 352-563-5200 Fax Number:

Corporate/Company Officers and Responsible Individuals

Mr. & Mrs Mark A. Ovard Owners

Name and Address of Related Firm(s):

Persons Interviewed

Title

Mr. & Mrs Mark A. Ovard Owner

II. PRODUCT INFORMATION

1. How many pesticide products are manufactured and marketed by firm? None
2. Do labels of products packaged, labeled, and released for shipment comply with the provisions of FIFRA? ☐ Yes ☒ No ☐ N/A
3. Does firm manufacture or sell restricted use pesticides? ☐ Yes ☒ No ☐ N/A
4. Does firm put manufacturing/batch/lot codes on its products? ☐ Yes ☒ No ☐ N/A

Example and explanation:

5. Are all applicable products packaged in child resistant packaging (CRP)? ☐ Yes ☒ No ☐ N/A
6. Is the required documentation to support CRP claims on file? ☐ Yes ☐ No ☒ N/A

Comments:

III. CONSIGNEES OF PRODUCTS NOT AVAILABLE FOR REVIEW

Firm Name and Address Product Name and EPA Registration Number

See Attachments to Report

IV. GUARANTEES AND LABELING AGREEMENTS

Page 2 of 2

1. Does this firm manufacturer/label pesticides for other firms?
Other Firm(s) Name and Address _____

☐ Yes ☒ No

Name and EPA Reg. Number of products manufactured/labeled. _____

2. Does this firm have products made for it by other firms?
Other Firm(s) Name and Address _____

☐ Yes ☒ No

Name and EPA Reg. Number of products made for this firm. _____

3. Does this firm have supplemental label agreements with other firms?
Other Firm(s) Name and Address _____

☐ Yes ☒ No

Name and EPA Reg. Number of supplemental labeled products _____

4. Does this firm have repackaging agreements with other firms?
Other Firm(s) Name and Address _____

☐ Yes ☒ No ☐ N/A

Name and EPA Reg. Number of products with repackaging agreements _____

V. BOOKS AND RECORDS

1. AS DETAILED IN 40 CFR PART 169 was a Section 7 affidavit explained to and signed by management? ☒ Yes ☐ No ☐ N/A
2. Does firm maintain pesticide sale and shipment records? *unable to determine @ this time* ☐ Yes ☐ No ☐ N/A
3. Does firm maintain the required file on all complaints it receives on it's pesticide products? ☐ Yes ☒ No ☐ N/A
4. Does firm maintain the required disposal file? ☐ Yes ☒ No ☐ N/A

Comments: _____

VI. IMPORT, EXPORT & EXPERIMENTAL USE PERMIT ACTIVITIES

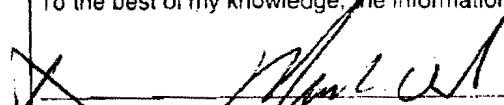
1. Does firm meet FIFRA provisions (Sec. 17) on imported pesticides?
2. Does firm meet FIFRA provisions (Sec. 17) on exported pesticides?
3. Does firm meet FIFRA provisions (Sec. 5) on Experimental Use Permits?

☐ Yes ☒ No ☒ N/A
☐ Yes ☐ No ☒ N/A
☐ Yes ☐ No ☒ N/A

Comments: _____

VII. DISCUSSION**VIII. SIGNATURES**

To the best of my knowledge, the information recorded in this report accurately portrays the activities at this firm.


Signature of Interviewee
Signature of Department Representative



CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services

AFFIDAVIT - COMPLIANCE MONITORING PROGRAM

Chapter 487.071(1), F.S.

State:

Florida

County:

Putnam

City:

Crystal River

Before me, a representative of the State of Florida, pursuant to the authority under Chapter 487, Florida Statutes, and Chapters 5E-2 and 5E-9, Florida Administrative Code, Florida Pesticide Law and Rules, or Chapter 576, Florida Statutes and Chapter 5E-1, Florida Administrative Code, Florida Fertilizer Law and Rules, or Chapter 578, Florida Statutes and Chapter 5E-4, Florida Administrative Code, and Chapter 580, Florida Statutes, and Chapter 5E-3, Florida Administrative Code, Florida Organic Farming and Food Law and Rules, or Chapter 904, Florida Statutes and Chapter 5H-19, Florida Administrative Code as read together, personally appeared Mr. Mark A. Ovard in the city, county and state aforesaid, who deposes under oath or affirmation and says:

That I am Mark Ovard, Owner of Guardian of Eden while my wife Rene is the owner of Enternet Products Sales. That we now only package 6 LB containers of our Boric Acid as represented by Doc. 051809 2074 01 02 on container makes no pesticidal claims; this is repacked from 50 LB bags of technical grade material that also makes no pesticidal claims and is not registered as such with EPA; this product is purchased from National Borax Corporation in Cleveland, OH as represented by Doc. 051809 2074 01 01. Neither my wife or myself were aware that referring to any pesticidal qualities of the product, though well known, could be construed as making pesticidal claims and warranting registration of our company and product. We will immediately drop any reference to the product controlling and/or killing insects. In fact we may just discontinue selling the product all together; we already dropped the 1 LB size due to lack of sales.

I hereby swear/affirm that the foregoing statement is true to the best of my knowledge.

Signature:

Mark Ovard

Title:

Owner

Firm Name:

Enternet Products Sales Guardian of Eden

Date:

5/18/09

Address:

6874 West Gulf to Lake Hwy, SR 44
Crystal River, FL 34429

Signature of Department Representative

[Signature]



CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services

- AFFIDAVIT STATEMENT -
ACKNOWLEDGEMENT OF REQUIREMENTS AND OBLIGATIONS
OF PESTICIDE PRODUCING ESTABLISHMENTS

Chapter 487.051(1)(b), F.S. and 5E-2.035, F.A.C.

Name of Establishment Internet Product Sales / Guardian of Eden
Address 6894 W. Gull Lake Hwy SR44 EPA Est. No. None
Crystal River, FL 32429

The requirements and obligations of pesticide producing establishments under Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, were explained to my by:

Department Representative Daniel B. Sumner on (date) 5/18/09

I understand that according to Section 7 of FIFRA, I am required to submit to the U.S. Environmental Protection Agency (EPA) the following:

1. A negative or positive Initial Pesticide Report within 30 days of registration of my establishment.
2. A positive or negative Annual Production Report no later than March 1st of each succeeding year, unless by written request I ask for a 30 day extension prior to this deadline date.
3. A written notice of any change in the name, address, or type of ownership of my establishment within 30 days of such change.

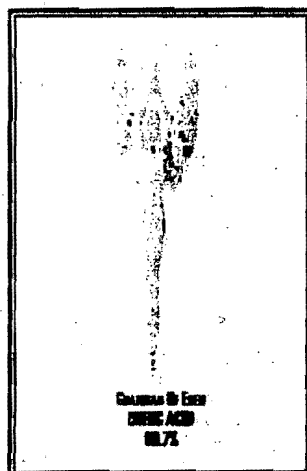
I understand that failure to submit any of the above reports may result in the termination of my establishment registration as well as possible penalty assessments.

Name and Title of Company Official Mr. Mark A. Ovard - Owner
Signature [Signature] Date 5/18/09

Communications regarding these requirements should be directed to:

Environmental Protection Agency, Region 4
Pesticides Section
12th Floor, AFC
61 Forsyth Street SW
Atlanta, Georgia 30303-3104
(404) 562-9011

Product Description: Guardian Of Eden BORIC ACID - small quantities and bulk



The company name "Guardian of Eden" refers to the Biblical angel left to block admission back into the Garden. In their product line, G.O.E. pursues re-creating the nutritional environment when the earth was new and pure.

Boric Acid, sometimes called "Borax" (Borax is slightly different chemically), is the safest of all pesticides - from cockroaches and ants to fleas and termites - and a biocide against fungus and mold. Boric Acid has been proven across generations, and has numerous usages.

Boric acid and hydrogen peroxide also is the best solution to mold, including "toxic black mold". Various usages and applications of boric acid are discussed below and in various links.

WHY ARE OUR PRICES FOR CONSUMER SIZE PACKAGING OF BORIC ACID LOWER THAN OTHER WEB SITES?

ANSWER: We have seen extreme prices for boric acid not only on the Internet, but also retail stores. When this was posted (November 2005), CVS drug stores were charging \$4.95 PER 1/4 pound for powdered boric acid. That's \$20 a pound!

While some products raise quality issues, boric acid is boric acid - a common substance used throughout industry. If someone is boasting to having a superior boric acid product, it is just nonsense. ALL boric acid comes from exactly the same source - the Mojave desert. It is mined and then ground either into granules or fine powder. For your usages, you want powder.

Others might add other ingredients to make it sound more technical, but it is the boric acid that is the working agent.

Boric Acid is a common and mass produced chemical product sold in bulk by major chemical distributors. For decades, it also was a common product on the shelves of grocery, drug and hardware stores as an inexpensive product. However, there is little profit in raw materials and huge profits in complex sounding "new, improved" products - such as pesticides (though if you look at the label of most, boric acid is still the main ingredient.)

Most web sites offering boric acid after multiple levels of distribution, marketing, virtual marketing and drop shipping - the reason for the high prices being some many companies and individuals are trying to make a profit on the same sale. Usually, you are not actually buying anything directly from the web site merchant. Rather, they are taking a percentage of the sale and another company is actually shipping it to you through multiple levels of marketing (called "drop shipping" or "virtual marketing").

The reason our prices are lower than you find elsewhere is that we are directly re-packaging boric acid we purchase in bulk (and uncut) directly from one of the largest chemical distributors in the United States. There are not middle wholesalers, merchandisers, commissions, trade name fees or other distribution and multi-level costs. This minimizes prices - and insures you actually get what you order. Boric acid is highly effective and useful, but it is neither rare nor costly when purchased in bulk. However, you probably do not need tons of boric acid. So we repackage it into consumer sized containers. The result is higher volume sales with lower prices to you - a win-win way of doing

business.

The Boric Acid under the Guardian Of Eden label contains no fillers or other contents other than boric acid and is in a fine powder.

Many pesticides are extremely harmful to the human nervous system, so safer, non-toxic remedies are a wise choice. All natural Boric Acid is the "secret ingredient" in so many commercial treatments for insect control. It is a white powder, is nature's proven long-term treatment in eliminating Cockroaches, Palmetto bugs, Waterbugs, Ants, Silverfish, Carpenter Ants, and Termites. This chemical has many interesting and useful characteristics such as use as an insecticide, a preservative, and a fire retardant. This simple inexpensive, household chemical is deadly to all insects, and it is safe enough to use around children and pets.

Boric Acid, mixed with diluted hydrogen peroxide, is an extremely potent fungicide against all forms of mold.

Boric acid, if mixed with propylene glycol, makes an extremely effective anti-termite remedy that actually protects the wood - rather than just poisoning all the land around the house attempting to stop termites from reaching your house.

Many pesticides are extremely harmful to the human nervous system and non-toxic remedies are a wise choice. Particularly dangerous and long-term damaging are "bug bombs" and other sprayed pesticides. The same chemicals used in such pesticides are the ingredients for warfare chemical weapons and act by attacking the nervous systems of insects - with the same effect on humans. When you set off a bug bomb, you are literally laying the entire interior of your house and all in it with chemical nerve agents - known also to cause cancers and numerous nervous system, internal organ and neurological damage.

Older folks might remember the "20 Mule Team Borax" commercials. Boric Acid, a white powder, is mined from the Mojave Desert in California and is nature's proven long-term treatment in eliminating Cockroaches, Palmetto bugs, Waterbugs, Ants, Silverfish, Carpenter Ants, and Termites. Until recently, borax (boric acid) was as common in households as laundry and dishwashing soap. However, the high profitability of supposedly superior pesticides and cheap bleaches lead advertising promotion of those much higher profit - but also dangerous and toxic chemicals.

To eliminate the mold and musty smell in your dishwasher, just add a tablespoon of boric acid to the water, let it sit 30 minutes, and the odor is gone.

Borax useful characteristics. A few are discussed here such as use as an insecticide, a preservative, and a fire retardant.

The first use of borates as an insecticide was in 1922 when P.F. Harris invented the Roach Tablet. It evolved into many products including today's "Roach Motel". By 1985 there were over 200 registered pesticides containing borates. Of course, the price paid for such products represents markups of 1,000%, 2,000% and more.

In 1955 framing lumber in New Foundland began being treated with borates to control an epidemic of termite destruction. Since then, none of the homes using borate treated wood has had any infestation of termites or wood decay. In the 1970's Europe and the US began studying borates for wood preserving properties. There was a huge lawsuit involving an US lumber company that put tropical hardwoods in over 1000 homes. The hardwood had beetles in the wood. The homes were treated with borates and the hardwood mills in South America began pre-treating their wood with borates. Since then there have been NO problems with beetles.

As a general household insecticide Boric Acid is safe enough to use around children, and has been used in ointments and salves for diaper rash on babies. It is also used, in a very dilute solution, as an eyewash. However, we **HIGHLY RECOMMEND AGAINST** such usage. While generally safe compared to other chemicals, excessive amounts of boric acid in direct contact with skin or ingested is dangerous.

Boric acid also is used as a fire retardant. It is the fire retardant used in all blown type cellulose insulation commonly used in homes.

HOW BORIC ACID WORKS: Boric acid is very mildly corrosive. If insects or pests come in contact with boric acid powder, it sticks to them. They also will eat it or consume it trying to lick it off. The slow corrosive effect ultimately kills the pest, insect, eggs or micro-organism by a slow, acidic effect as an interaction between the organic substances of the pest and the boric acid. However, boric acid has no corrosive effects against carpeting, furniture etc. The acidic effect is so mild that it is not harmful to humans or pets unless consumed in huge quantities - with the same level of danger as table salt. Because it is a nature-based corrosive, rather than a chemical never agent, insects and pests can not develop a tolerance for it and it does not accumulate in the human (or pet's) fatty body tissues the way that chemical pesticides do.

Although other highly toxic chemicals are put into many commercial treatments for insect control, in fact the actually strongest killing agent on the ingredient list is boric acid. Boric Acid is odorless and nonstaining. Kills roaches, termites, carpenter ants, pharaoh ants, fire ants, palmetto bugs, ticks, bedbugs, fleas, carpet beetles, centipedes, crickets, earwigs, grasshoppers, millipedes, scorpions, slugs water bugs, and many other insects.

Boric Acid also is used for eye wash, suppositories, yeast infections, and numerous other infection, pest, and insect control.

Boric Acid can be used as an antiseptic only for minor burns or cuts and is sometimes used in dressings or salves or is applied in a very dilute solution as an eye wash. It is poisonous if taken internally or inhaled, although it is generally not considered to be much more toxic than table salt (based on its LD50 rating of 2660).

Boric acid can be used to treat candidiasis (vaginal yeast infections) by filling gelcaps with boric acid powder and inserting two into the vaginal canal at bedtime for three to four nights in a row.

It is also used as prevention of athlete's foot, by inserting powder in the socks or stockings.

It is often used as a relatively nontoxic insecticide, for killing cockroaches, termites, fire ants, fleas, and many other insect. It can be used directly in powdered form for fleas and cockroaches, or mixed with powdered for ants. It is also a component of many commercial insecticides. In this use, especially in the case of cockroaches, the boric acid in the form of a powder is applied to areas frequented by the insects. The lightweight particles cling to the legs of the insects and eventually cause fatal chemical burns. Boric acid for this use in residential apartments is sold commercially in urban areas afflicted with cockroaches.

Boric acid have been used since the time of the Greeks and Romans for cleaning, preserving food, and other activities.

An EPA assessment of a boric acid pilot pest control program conducted at the U.S. Army's Aberdeen Proving Ground in Maryland found that boric acid was more economical and more effective than spray treatment. With boric acid's method of killing insects by becoming corrosive to the insect, insects do not gain resistance to borates. Borates are the most effective treatment for many crawling insects including, cockroaches, silverfish, ladder beetles, carpenter ants, and other wood borers, as well as wood decay organisms.

Ants : This homemade treatment has worked very well on both carpenter ants and pharaoh ants. Here is one receipt well publicized by the columnist "Heloise:"

Heloise's Boric Acid Roach Exterminating Formula

8 ounces powdered boric acid
1/2 cup flour
1/8 cup sugar
1/4 cup cooking oil or bacon drippings
(or more to form a soft dough)

Mix shortening and sugar, mix boric acid, and flour. Add to sugar, and oil. Blend well, then add more oil as needed to form a soft dough. Shape into small balls the size of marbles. (If balls are placed in opened, plastic sandwich bags, the dough will stay softer longer.) Place balls throughout the house in places normally inhabited by roaches (any dark, damp corner) and in the path of ants if this is a problem. When dough becomes brick hard, replace with a fresh batch. This also will eliminate silverfish and many of the other pests that tend to gather under sinks and the backs of cabinets. This also can be used in dresser drawers, closets and anywhere else pests are a problem.

Rid your home of silverfish, those scary looking insects that live under your sink and will eat valuable clothing and paper.

Termites:

Boric acid when mixed with propylene glycol (biodegradable form of anti-freeze) has proven to be very effective against many types of termites. The glycol helps the solution to penetrate into the wood and become a part of the wood fiber. This solution is a terrific treatment for dry rot in wood! If you need propylene glycol, [CLICK BELOW](#):

ORDER PAGE FOR PROPYLENE GLYCOL

A Safe Surface Insecticide may be formulated by dissolving Boric Acid in plain water to make a 5% to 10% solution of clear liquid. Heating the water first makes it easier to dissolve the white powder. This simple inexpensive, household chemical is deadly to all insects, is safe enough to use around children, and on interior surfaces (test first on a small hidden area to check for possible -- but rare -- discoloration of finishes). Don't expect instant results; give it some time, occasionally additional applications are needed. It lasts about a year, or until the surfaces are washed. Many modern applications of this ancient item are showing up in products, and commercial treatments.

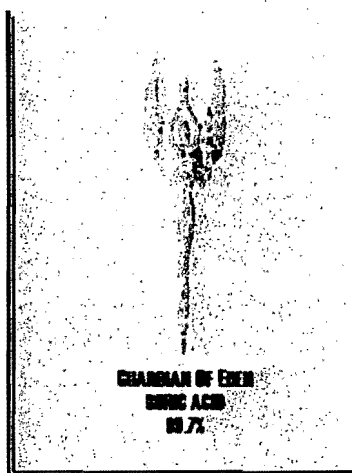
To apply as a powder, you can use an old grated cheese shaker [make sure it has lots of holes] or an inexpensive mustard or condiment squeeze bottle. Some important places to make sure you treat:
around all pipe and drain entrances in floors and walls in and under all cabinets, especially corners and cracks
around all baseboards, in corners and on top of cabinets
behind and under range, dishwasher, and refrigerator

In new homes, during construction, the powder can be sprayed inside walls and in the attic. Also, it is a good idea to apply the powder along the top of basement walls near the ribbon-plate [where floor joists rest on the concrete wall of the basement].

For carpenter ants drill holes in wood surrounding infestation, fill with boric acid.

Fleas:

Simply sprinkle it on the carpet, (same mix as above for silverfish) brush it in so it settles down and in the fiber, let it sit for about a week then vacuum and fleas will be gone, eggs and all!



NOTE: If kept dry, boric acid will never spoil or lose its strength.
(Due to increased demand for natural pest and mold control, increasing transportation costs and increasing internet listing fees, this pricing may not last long.)

1 Pound G.O.E. Boric Acid
\$7.53 + S&H \$5.48

Sorry, temporarily out of stock

2 Pounds G.O.E. Boric Acid
\$9.55 + S&H \$6.73

Sorry, temporarily out of stock

6 Pounds G.O.E. Boric Acid
\$17.44 + S&H \$11.83

[Add to Cart](#)

12 Pounds G.O.E. Boric Acid \$28.61 + \$16.33 S&H
\$29.61 + S&H \$17.33

[Add to Cart](#)

BULK QUANTITY BORIC ACID

25 Pounds G.O.E. Boric Acid
\$54.38 + S&H \$19.26

[Add to Cart](#)

50 Pounds Boric Acid
\$78.94 + S&H \$28.51

[Add to Cart](#)

[All Guardian Of Eden Products: Click here](#)

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[To email us: dfwx22@gmail.com](#)

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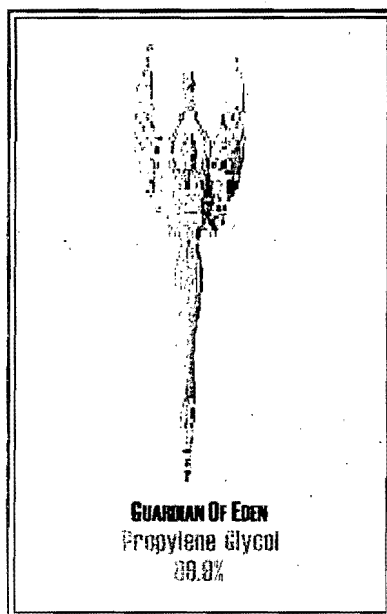
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To Order by phone via MasterCard or VISA phone us at 352 563-5200

To email us: dfwx22@gmail.com

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Product Description: Guardian Of Eden BORIC ACID & PROPYLENE GLYCOL
- small quantities and bulk



The company name "Guardian of Eden" refers to the Biblical angel left to block admission back into the Garden. In their product line, G.O.E. pursues re-creating the nutritional environment when the earth was new and pure.

TERMITE TREATMENT RATIOS:

A ratio of 50/50 (propylene glycol and water) is recommended. 1 pound of boric acid per 2 gallons of mixture should be sufficient, though many people opt to use 2 pounds for maximum effectiveness (or 1 pound per gallon of liquid).

ADDING BORIC ACID:

Boric acid resists dissolving in cold water. Ideally, the liquid will be 100 to 110 degrees (or warm to the touch). Do not bring to a boil. To heat the liquid, you can put the bottle into a large pot of warm (not boiling) water. Precise temperature is NOT critical. If the boric acid has clumped, simply break it by hand to powder. This is very quick and easy - but wear plastic gloves or wash your hand promptly after breaking up the mixture.

Then simply add the boric acid to the mix of 50% propylene glycol to 50% water.

SAFETY:

While this anti termite mixture is substantially less dangerous and toxic than pesticides, you should avoid getting the mixture into your eyes or swallowing it. If a large volume is consumed, it is dangerous.

SAVE A PET'S LIFE:

Propylene glycol is most known as a biodegradable antifreeze that also is very pet friendly. Typical antifreeze sold in automotive parts stores is very toxic and lethal to animals. Every year, there are near countless pet deaths due to leaking radiators and hoses or antifreeze jugs left accessible to pets - as such lethal antifreeze also has a sweet and attractive taste to most pets. Typical antifreeze destroys the liver and there is little treatment possible unless the pet's stomach is immediately evacuated.

So if you have left over propylene glycol from termite treatment, use it as antifreeze for your vehicles. Propylene glycol also is commonly used to fill sewage lines and toilet tanks in houses and buildings left vacant without heat in cold climates to prevent pipes and ceramics ruptured by freezing - without using highly toxic chemicals.

SAFE AND BIODEGRADABLE ANTIFREEZE:

As antifreeze, propylene eliminates the need for periodic changing or recharging of cooling systems. There is no need for supplemental coolant additives. It can be used for seven years or 250,000 miles in passenger cars, light-duty trucks, vans and recreational vehicles. It lasts seven years or 750,000 miles in over-the-road diesel trucks.

BOATER'S CHOICE:

Due to the environment of boats over water, most laws prohibit toxic automotive antifreeze for boat engines. Boaters in cold climates also will pour a little propylene glycol into the drain lines of the boat's sink and toilet to prevent freezing bursting of pipes and fixtures during winter storage.

PROPYLENE GLYCOL

Propylene glycol is used:

- As a moisturizer in medicines, cosmetics, food, toothpaste, mouth wash, and tobacco products
- In electronic cigarettes to make the produced vapor better resemble cigarette smoke
- As a medical and sexual lubricant (A.K.A. "personal lubricant")
- As an emulsification agent in Angostura and orange bitters
- As a solvent for food colors and flavorings
- As a humectant food additive, labeled as E number E1520
- As a carrier in fragrance oils
- As a less-toxic antifreeze
- As a solvent used in mixing photographic chemicals, such as film developers
- In smoke machines to make artificial smoke for use in firefighters' training and theatrical productions
- In hand sanitizers, antibacterial lotions, and saline solutions
- In cryonics
- As a working fluid in hydraulic presses
- As a coolant in liquid cooling systems
- To regulate humidity in a cigar humidor
- As the killing and preserving agent in pitfall traps, usually used to capture ground beetles
- To treat livestock ketosis
- As the main ingredient in deodorant sticks.
- To deice aircraft.

The U.S. Food and Drug Administration (FDA) has determined propylene glycol to be "generally recognized as safe" for use in food, cosmetics, and medicines.

What is propylene glycol?

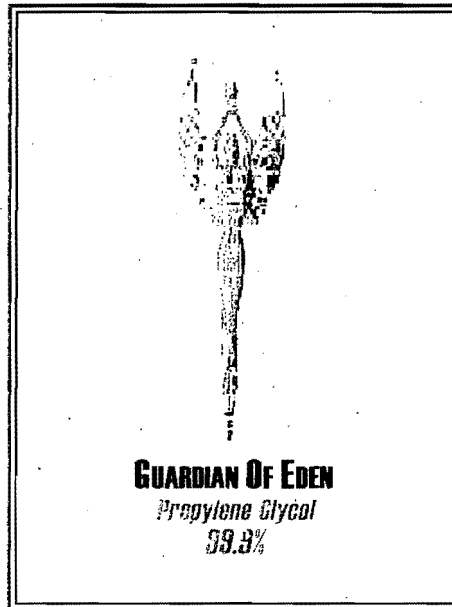
Propylene glycol is a clear, colorless, slightly syrupy liquid at room temperature. Propylene glycol is practically odorless and tasteless.

Propylene glycol is used to make biodegradable antifreeze and de-icing solutions for cars, airplanes, and boats; as an ingredient in termite control; to make polyester compounds; and as solvents in the paint and plastics industries.

The Food and Drug Administration (FDA) has classified propylene glycol as an additive that is "generally recognized as safe" for use in food. It is also used to absorb extra water and maintain moisture in certain medicines, cosmetics, or food products. It is a solvent for food colors and flavors.

NOTE: The 0.1% that is not propylene glycol is water.

THE ABOVE COMMENT OF SAFETY IS MADE ONLY AS A GENERAL COMMENT OF PROPYLENE GLYCOL. THE PRODUCT OFFERED IS TECHNICAL GRADE AND IS IN HIGHLY CONCENTRATED CONTENT.



NOTE: If kept sealed and not in direct sunlight, propylene glycol will never spoil or lose its strength.
(Due to increased increasing transportation costs and increasing Internet listing fees, this pricing may not last long.)

SMALL SIZES FOR HOBBYISTS AND PROFESSIONALS:

16 ounces (pint) G.O.E. Propylene Glycol
\$11.32 +S&H \$7.63

Add to Cart

32 ounces (quart) G.O.E. Propylene Glycol
\$15.21 +S&H \$9.23

Add to Cart

VOLUME SIZES FOR DISCOUNT:

1 Gallon G.O.E. Propylene Glycol - approx. 10 lbs shipping weight
\$32.17 +S&H \$15.78

Add to Cart

2 Gallon G.O.E. Propylene Glycol - approx. 20 lbs shipping weight

\$59.84 +S&H \$19.72

Add to Cart

3 Gallon G.O.E. Propylene Glycol - approx. 30 lbs shipping weight
\$88.25 +S&H \$23.85

Add to Cart

4 Gallon G.O.E. Propylene Glycol - approx. 40 lbs shipping weight
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Add to Cart

BULK QUANTITY PROPYLENE GLYCOL

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\$268.94 +S&H \$59.23

Add to Cart

15 Gallon G.O.E. Propylene Glycol - approx. 150 lbs shipping weight in 3 boxes
\$396 +S&H \$87.07

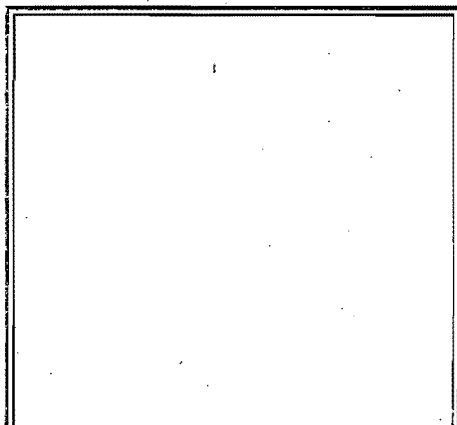
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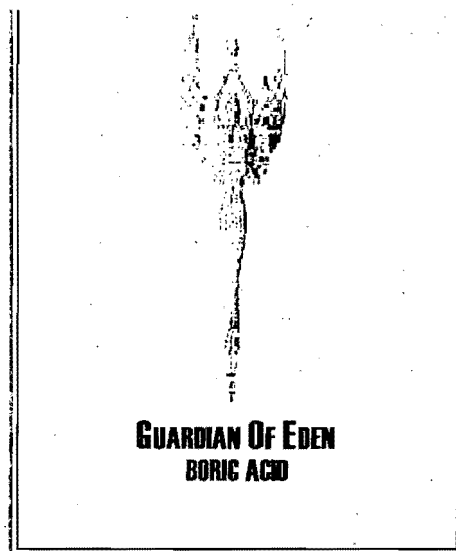
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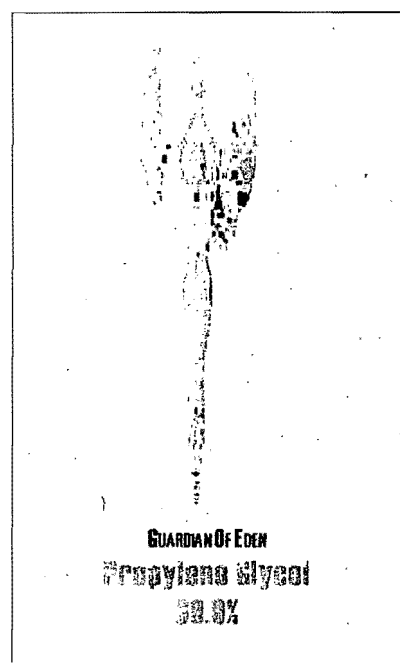
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- small quantities and bulk



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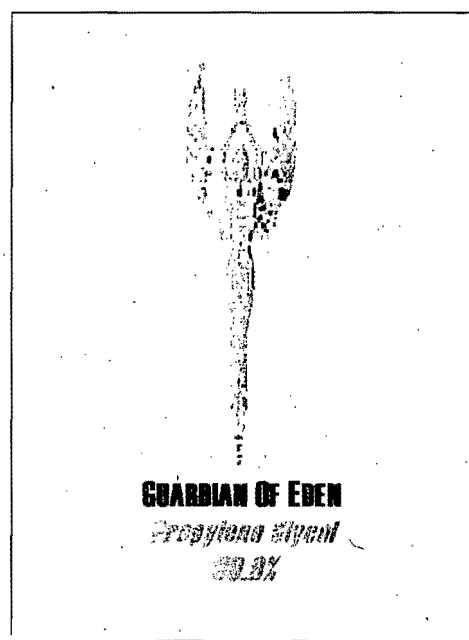
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Add to Cart

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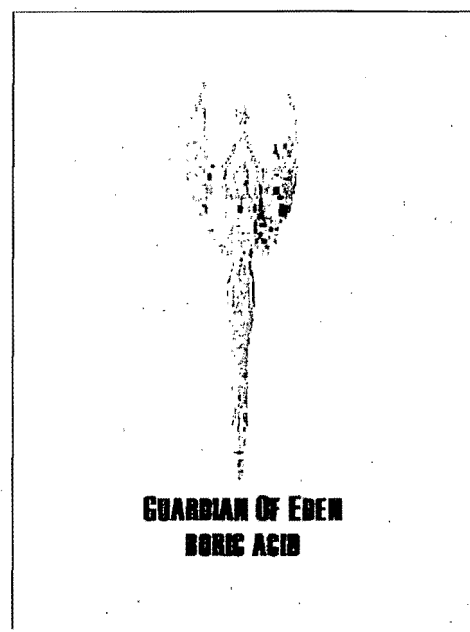
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1 Pound G.O.E. Boric Acid
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CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services
PESTICIDE SAMPLE COLLECTION REPORT

Section 487.071, F.S.

Date Received: _____

Laboratory Sample No.: _____

File Number: 109-169-2074 EPA Sample Number: DEC. No 051809 2074 01 0

File Name: National Borax Corporation Guardian of Eden

Brand Name: National Borax Corporation Boric Acid Technical

EPA Reg. Number: None EPA Est. Number: None

☒ Documentary ☐ Formulation ☐ Soil ☐ Sediment ☐ Disinfectant ☐ Plant Matter ☐ Water
☐ Use Dilution ☐ Animal Matter ☐ Container Residue ☐ Swab ☐ Other

Manufacturer (shown on label): National Borax Corporation 3690 Orange Place Suite 450 Cleveland OH
Street City State Zip

Place Taken: Internet Product Sales/Guardian of Eden 6899 West Gulf to Lake Hwy
Street City State Zip

Date Taken: 5/18/09 at 2:30 AM/PM No. of Packages Sampled: 1

Representing Quantity: _____ Package Size (lb, gal., etc.): 50 LB

Batch / Lot No.: 7673 7P 05190878 Other Batches Present? ☐ Yes ☐ No

Shipping Records Collected ☐ Yes ☐ No Stop Sale Issued? ☐ Yes ☐ No

Was product agitated according to label directions before sampling? ☐ Yes ☐ No ☐ N/A

List active ingredient(s) and / or compounds to analyze for: _____ GPS Coordinates: _____

Boric Acid (H_2BO_3) 100% Sample Container: _____

Boric Oxide (B_2O_3) Equivalent 56.3% Production No.: _____

_____ % Container No.: _____

Inert ingredients not more than: _____ %

DESCRIPTION OF SAMPLE: Consists of Container / Label photos
of the product.

The above sample was collected by:

☒ The State of Florida, and receipt is hereby acknowledged pursuant to section 487.071 of the Florida Pesticide Law, Chapter 487, Florida Statutes.

☒ The State of Florida as agent for the U. S. E.P.A., and receipt is hereby acknowledged pursuant to Section 9.(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7U.S.C. 136g).

Acknowledgment: The undersigned acknowledges that the sample above was obtained from:

☒ a pesticide or device that was packaged, labeled, and released for shipment.

☒ a pesticide or other material that was in his/her possession or employer's possession.

Signature: _____ Title: _____

Signature: _____ Title: _____

Sample Delivered to: _____ Destination: _____

☐ Analyze ☐ Hold ☐ Discard Sample collected, preserved, and handled per FDACS standard operating procedure? ☐ Yes ☐ No

Relinquished by Specialist Date/Time Received By Date/Time Relinquished by Date/Time
DACs-13234, Rev. 6/01 Original - With Sample Copy - File Copy-Specialist Copy - Firm



CHARLES H. BRONSON
COMMISSIONER

Florida Department of Agriculture & Consumer Services
Division of Agricultural Environmental Services
PESTICIDE SAMPLE COLLECTION REPORT

Section 487.071, F.S.

Date Received: _____ Laboratory Sample No.: _____

File Number: 109-169-2074 EPA Sample Number: Doc. No 057809 2074-01 02

File Name: Guardian of Eden / Internet Product Sales

Brand Name: Guardian of Eden Boric Acid

EPA Reg. Number: None EPA Est. Number: None

☒ Documentary ☐ Formulation ☐ Soil ☐ Sediment ☐ Disinfectant ☐ Plant Matter ☐ Water
☐ Use Dilution ☐ Animal Matter ☐ Container Residue ☐ Swab ☐ Other

Manufacturer (shown on label): Guardian of Eden 6894 West Gulf Lake Hwy Crystal River FL 34429
Street City State Zip

Place Taken: Internet Product Sales / Guardian of Eden 6894 West Gulf Lake Hwy Crystal River FL 34429
Street City State Zip

Date Taken: 5/18/09 at 2:45 AM (PM) No. of Packages Sampled: 1

Representing Quantity: 30 Package Size (lb., gal., etc.): 6 LB Container

Batch / Lot No.: None Other Batches Present? ☐ Yes ☒ No

Shipping Records Collected ☐ Yes ☐ No Stop Sale Issued? ☐ Yes ☒ No

Was product agitated according to label directions before sampling? ☐ Yes ☐ No ☐ N/A

List active ingredient(s) and / or compounds to analyze for: _____ GPS Coordinates: _____

Boric Acid (Box given) %

Sample Container: _____

Production No.: _____

Container No.: _____

Inert ingredients not more than: _____ %

DESCRIPTION OF SAMPLE: Consists of label / container photos of
the product

The above sample was collected by:

☒ The State of Florida, and receipt is hereby acknowledged pursuant to section 487.071 of the Florida Pesticide Law, Chapter 487, Florida Statutes.

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Acknowledgment: The undersigned acknowledges that the sample above was obtained from:

☒ a pesticide or device that was packaged, labeled, and released for shipment.
☒ a pesticide or other material that was in his/her possession or employer's possession.

Signature: [Signature]

Person in Charge at Firm

Signature: [Signature]

Title

Signature: [Signature]

Specialist

Signature: [Signature]

Title

Sample Delivered to: _____ Destination: _____

☐ Analyze ☐ Hold ☐ Discard Sample collected, preserved, and handled per FDACS standard operating procedure? ☐ Yes ☐ No

Relinquished by Specialist	Date/Time	Received By	Date/Time	Relinquished by	Date/Time
DACS-13234, Rev. 6/01		Original - With Sample		Copy - File	
				Copy - Specialist	
				Copy - Firm	

REPORT DATE: 5/5/09
REPORT TIME: 10:20 AM
REC'D BY: R.H.Perez

STATE OF FLORIDA
PESTICIDE ENFORCEMENT
WORK REQUEST

LOG NO: 109-169-2074
TYPE: PEI
REFERRAL TYPE OT

FILE NAME: Guardian of Eden
ADDRESS: 6894 West Gulf To Lake Hwy
CITY: Crystal River, Florida ZIP 34429
PHONE: (352)563-5200 (352)563-5400

REQUEST:

The Nebraska Department of Agriculture contacted the Department's Pesticide Registration Section regarding the above referenced firm's website, where Guardian of Eden advertises and sells boric acid by making the pesticidal claim that boric acid is a pesticide and a biocide. The Nebraska Department of Agriculture thinks that Guardian of Eden is purchasing boric acid without an EPA Registration Number in bulk from an unnamed source and repackages the boric acid before selling it to the public via their internet website. Guardian of Eden stated to the Nebraska Department of Agriculture that since their boric acid has no EPA Registration Number, they are exempt from state and federal regulations

Conduct an investigation and document any violations of the Florida Pesticide Law and Rules. If the Boric Acid under the Guardian Of Eden label, or any other Florida unregistered product is found in the marketplace, collect a documentary sample of each product, including affidavits and document any violations of the Florida Pesticide Law and Rules.

CROSS REFERENCES:

Mr. Mark A. Ovard 6894 West Gulf To Lake Highway Crystal River, FL 34429 The 6894 West Gulf To Lake Highway address was located in the fictitious names category at the Florida Department of State - Division of Corporations website and it associated Guardian of Eden with Mr. Mark A. Ovard.	Guardian of Eden 6894 West Gulf To Lake Highway Crystal River, FL 34429 Website: www.dfwx.com/boric.htm e-mails: dfwx22@gmail.com Pureh2o2ForHealth@yahoo.com Internetproductsales22@gmail.com Phones: 352-563-5200 352-563-5400	Guardian of Eden P.O. Box 636 Crystal River, Florida 34429 Internet Product Sales P.O. Box 636 Crystal River, Florida 34429
Guardian of Eden 3432 North Citrus Avenue Crystal River, Florida 34428 (POTENTIAL LOCATION)	Guardian of Eden 8130 W Corporate Oaks Dr Crystal River, 34429 (POTENTIAL LOCATION)	Guardian of Eden 7908 W Dunnellon Rd Dunnellon, FL, 34433 (POTENTIAL LOCATION)
Buzz Vance, Certification Specialist Nebraska Department of Agriculture Post Office Box 94756 Lincoln, Nebraska 68509-4756 402-471-6853 buzz.vance@nebraska.gov		

REFERRED TO INSPECTOR: Sumner (2074) DATE: 5/11/09

NOTE: There are three additional potential locations for Guardian of Eden aside from the address at 6894 West Gulf To Lake Highway that either matched to the same phone numbers and/or e-mails:

COPIES:

Sumner (1) e-mail
Coveney (1) e-mail

Hallauer, Darrell

From: Moore, Bob
Sent: Tuesday, May 05, 2009 10:20 AM
To: Perez, Rafael
Cc: Bryant, Craig; Howard, Dennis; Clark, Charlie
Subject: FW: web sales of boric acid

The following email is from our counterparts in Nebraska Dept of Agriculture regarding a company in Crystal River, FL. I don't have any information indicating any distribution of pesticides in FL. Please handle as you deem necessary. Thank you.

Bob Moore
 Pesticide Registration
 Florida Dept. of Agriculture
 (850) 487-2130

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Vance, Buzz [mailto:buzz.vance@nebraska.gov]
Sent: Wednesday, April 29, 2009 4:28 PM
To: Moore, Bob
Subject: web sales of boric acid

Bob,

I've had email correspondence with a company called Guardian of Eden PO Box 636 Crystal River, FL 34429 (352)563-5200.

The company has a web site www.dfwx.com/boric.htm where they advertise and sell boric acid in various quantities.

Their web site clearly makes pesticidal claims calling boric acid a pesticide and biocide.

I emailed the company alerting them that if they had a separate label for their boric acid that it needed to be registered in our state for them to sell it to a resident of NE.

The emails I got back stated that boric acid is not a pesticide (completely opposite of what is stated on their web site) and that I must be bought off by the big chemical companies who want to put the little guy whose trying to sell a safe product out of business. He was definitely upset and trying to blow me off, stating that I didn't know what I was talking about and that he is not selling a pesticide which I need to be regulating.

It's possible that when this guy buys his boric acid that he gets it without an EPA registration on it. I would suspect that he is buying in bulk from somewhere then repackaging before selling to the public. His claim is that since his boric acid has no EPA registration on it, he is exempted from state and federal regulations.

I got nowhere trying to get the guy that unless his product was federally and state registered, that it would be illegal to sell it into Nebraska and that he would need to indicate on his web site that his product was not available for purchase by residents of Nebraska.

Since this company is in your state, I will turn this over to you for further action.

Buzz Vance, certification specialist
 Nebraska Dept. of Agriculture
 PO Box 94756
 Lincoln, NE 68509-4756
 (402) 471-6853
 new email address: buzz.vance@nebraska.gov

5/11/2009

Guardian Of Eden

May 20, 2009

From: Mark Ovard**6894 W. Gulf To Lake Hwy
Crystal River, Florida 34429
352 563-5200****To: Hon. Dan Sumner****352 468-2021**

25 21

RE: Requested invoices via FAX

What follows are 5 invoices of sales of boric acid as requested. I apologize for delay but my wife is ill and had to be taken to the clinic again.

Our records consist of stacks of boxes in no particular order with the records spread out between Florida and Texas with majority of records still in storage in Texas held only for IRS purposes as required. They are not catalogued as this is not required.

To clarify the timeline and shipping in relation to the invoices:

1. The invoice you photographed was yellow highlighted and remained as it to be refunded and was not shipped. We cannot ship to a post office box.
2. The 5 invoices provided are from the year 2006 and pre-date the current website language. The websites' language frequently is changed for various reasons sometimes on a weekly or even daily basis for reasons ranging from pricing, to addition or corrected information, change in regulations, grammar errors or changing promotional language.
3. Current web site language on usage and purpose would have been added after the date of the 5 invoices and was likely added due to telephone requests on safe usage of boric acid. At that time it is unlikely there was any language stating the purpose or usage of boric acid and may have just been listed on a products page with other items. Copies of prior language and appearance of the web pages prior to change are not saved as there would be no purpose in doing so.

Boric acid is not the major product line and was added later in company history due to occasional requests for it. It is a minor sales volume item and finding invoices on such sales therefore not as easy done. These were the first 5 found in a huge pile of small boxes happening to be in 2006. All invoices handled by employees are duplicates and shredded immediately after processed for business security reasons. The 5 invoices pre-date current website language regarding the purpose and usage of boric acid.

4. While we will remove language indicating boric acid can address any pest problems, to remove all usage information would therefore be to remove all safe usage guidelines. In the past in another product line, a government agency

demanding all merchants of a different product line remove all usage information. The result was numerous deaths and permanent injuries as removing usage information also is to remove safe usage guidelines. One cannot exist without the other. With the death and injury count rising that agency withdrew the requirement.

While the EPA itself has noted the natural and safe natures of boric acid in formal rulings, extreme excessive usage could be personally harmful and environmentally dangerous. If any agency is demanding we remove all usage information we would need this on formal letterhead from a person in appropriate position instructing us to do so. This would relieve us of liability in the event of injury or damage for lack of safe usage information for a product we sold.

Necessity to attend my wife's health concerns and some minor computer glitch problems has slightly delayed changes to the website. They should be completely no later than the end of the week, though likely will not be the final form as there essentially is never a final form to any web page being constantly changed.

While it is accurate to state I "own" the business, various aspects of the business are owned by other individuals and/or in different regions. I/we will be cooperative in every regards, there are other agencies of interest with rules related to confidentiality of records in relation to sale of any chemical, regardless of how harmless. While this is the first occasion for any legitimate interaction by the EPA (the unsigned, no letterhead emails from someone purporting to be an official were received as only being among the thousands of fake and prank emails everyone receives), we more commonly have to interact with other agencies and regulations.

Given selecting between requests of the EPA and related state agencies with conflicting rules and expectations of Homeland Security and the DOT, we would have to defer to Homeland Security and the DOT unless there is a clear directive to do otherwise. This primarily relates to records of chemical transactions and business location security. We have also had occasion between conflicting regulations and expectations of the USDA and the FDA in the past. There could develop conflicting rules concerning package and product warning requirements that are required in one set of standards and exactly prohibited in another set of regulations. To the extent possible we evade being drawn into feuds between government entities and their respective officers.

Thank you for your professionalism in your visit to our location. This was hastily prepared due to personal time demands. Please excuse typos and grammatical error.

Respectfully,


Mark Ovard

6894 W Gulf To Lake Hwy
Crystal River, Florida 34429
352 564-5200

REVIEWER: Stanford DATE: March 28, 2011

FILE TYPE: PEI

CASE TITLE / CASE NUMBER: Guardian of Eden / 109-169-2074

CURRENT RELATED CASES: n/a

PRIOR ACTIONS: none

OUTPUTS: **PEI-1** **DOC-2**

PRIORITY AREAS: **none**

OTHER:

1. **DOC I.D. NO. 051809-2074-0101**
Brand Name: **"National Boraxx Corporation's Boric Acid Technical Grade Powder"**
EPA Reg. No.: None
EPA Est. No.: None
AI: Boric Acid-100%
Lot/batch #: 76737P0519087R
State Registered: N? Discontinued? N Discontinued Date:
Comments: No pesticidal claims on packaging
Effective date of registration: NA
Expiration Date: NA
Violations: None
Priors: None
Registrant: National Boraxx Corporation
3690 Orange Place, Suite 480
Cleveland, Ohio 44122

Contact Person: Mary E. Sennett

2. **DOC I.D. NO. 051809-2074-0102**
Brand Name: **"Guardian of Eden Boric Acid"**
EPA Reg. No.: None
EPA Est. No.: None
AI: No ingredient statement
Lot/batch #: None
State Registered: N? Discontinued? N Discontinued Date:
Comments:
Effective date of registration: NA
Expiration Date: NA
Violations: NSR/MSB
Priors: None
Registrant: Guardian of Eden
6894 West Gulf to Lake Highway
Crystal River, Florida 34429

Contact Person: Mark Ovard

Recommend: WL to Guardian of Eden. No Action to National Boraxx Corporation

DIVISION OF AGRICULTURE
ENVIRONMENTAL SERVICES
BUREAU OF COMPLIANCE MONITORING
8501 DUT 7850
8501 DUT 7850 FAX



THE CORNER BUILDING, NEEN
625 CORNER BUILDING
TALLAHASSEE, FLORIDA 32309-1050

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PITMAN

CERTIFIED MAIL 7010 1060 0001 7049 9937
RETURN RECEIPT REQUESTED

April 27, 2011

Mr. Mark Ovard, d/b/a
Guardian of Eden
6894 W. Gulf to Lake Highway
Crystal River, Florida 34429

RE: ADMINISTRATIVE COMPLAINT AND WARNING LETTER

Administrative Complaint No. _____

File Name: Guardian of Eden

File No: 109-169-2074 GS

Dear Mr. Ovard:

INVESTIGATION

On May 18, 2009, the Department initiated an investigation in response to a report received from the Nebraska Department of Agriculture that the product **National Boraxx Corporation Boric Acid Technical Grade Powder** is being repackaged by Guardian of Eden and sold to the public as **Guardian of Eden Boric Acid Powder**.

During the inspection, this Department collected a sample of the following products:

1. **National Boraxx Corporation Boric Acid Technical Grade Powder, EPA Reg. No., None, Sample # 051809-2074-0101.**
2. **Guardian of Eden Boric Acid Powder, EPA Reg. No., None, Sample # 051809-2074-0102.**

Mr. Mark Ovard, d/b/a
Guardian of Eden
Page Two

At the time of the inspection the review of the container and labeling present indicated **National Boraxx Corporation Boric Acid Technical Grade Powder** made no pesticide claims, but a review of the container and labeling of **Guardian of Eden Boric Acid Powder** indicates that this product does make pesticidal claims and therefore requires registration as a pesticide under section 487.041, Florida Statutes. Distribution of unregistered pesticides is a violation of Section 487.031(2), Florida Statutes. You are therefore notified that you should take all necessary action to comply with the requirements of Chapter 487, Florida Statutes, in order to continue distributing pesticides in this state.

Our records also indicate that this product is not currently registered with the U.S. Environmental Protection Agency (EPA). In order to register this product with the Florida Department of Agriculture and Consumer Services, you must first obtain a current federal registration.

To obtain federal registration of your product, please contact:

Registration Division
U.S. Environmental Protection Agency
H 7505-C
401 M Street S.W.
Washington, D.C. 20460
(703) 305-5446

After this product has been registered with EPA or qualifies for exempt status, you may then apply for registration in Florida. Enclosed is an application for Florida registration. To ensure proper registration please complete and return the application to:

Pesticide Registration Section
Bureau of Pesticides
3125 Conner Boulevard, Bldg. 6
Tallahassee, Florida 32399-1650
(850) 617-7940

Since this pesticide is not State registered, you should remove any existing stocks from the channels of trade in Florida. In addition, you should discontinue distribution of this product and any other non-state registered pesticides until such time as they are properly registered as required by law.

Mr. Mark Ovard, d/b/a
Guardian of Eden
Page Three

WARNING

Please be advised that additional violations of Chapter 487, Florida Statutes, may subject you to more severe penalties, including, but not limited to, fines up to \$10,000 per violation. In addition, you may be subject to the penalty provisions of the Federal Insecticide, Fungicide and Rodenticide Act, administered by the U.S. Environmental Protection Agency.

ADMINISTRATIVE HEARING AVAILABLE

If you wish to contest this warning letter, you have the right to request an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoena and subpoena duces tecum issued on your behalf if a hearing is requested. Your request for hearing must contain your name and address for purposes of service, a statement requesting either a hearing involving disputed issues of material fact or a hearing not involving disputed issues of material fact, and a reference to this administrative complaint. Please be advised that by requesting a hearing, the Department's current level of enforcement action will be withdrawn and you may receive a more severe penalty.

DEADLINE

If you do not request an administrative hearing within twenty-one (21) days of receipt of this letter, the Department will consider the matter concluded and place a copy of this Warning Letter in your official file.

Mr. Mark Ovard, d/b/a
Guardian of Eden
Page Four

FURTHER INFORMATION

It was also determined that your firm was repackaging the product National Borax Corporation Boric Acid Technical Grade Powder into Guardian of Eden Boric Acid Powder without being registered as a pesticide producing establishment with the Environmental Protection Agency (EPA). Please be advised that in order to repackaging pesticides, your firm must be a registered producer establishment. The case file regarding this investigation is being forwarded to the EPA Region 4 in Atlanta, Georgia, for their review and determination. If you have any questions or wish to discuss this matter, please contact us at Bureau of Compliance Monitoring, 3125 Conner Boulevard, Bldg. 8, Tallahassee, FL 32399-1650. Phone (850) 922-7980. Fax: (850) 922-2134.

Sincerely,

Adam H. Putnam
COMMISSIONER OF AGRICULTURE

Craig T. Bryant, Environmental Manager
Pesticide Compliance Section

CTB:gs
Enclosures

cc: Mr. Charlie L. Clark
Mr. Andreas B. Covey
Mr. Daniel B. Sumner
Guardian of Eden
File: Guardian of Eden

File No. 169-169-2074 GS

DIVISION OF AGRICULTURAL
ENVIRONMENTAL SERVICES
BUREAU OF COMPLIANCE MONITORING
(850) 617-7850
(850) 922-1525 FAX



THE CONNER BUILDING, NO. 8
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

April 27, 2011

Ms. Molly Miller
Pesticide Section
U. S. EPA, Region IV
12th Floor, AFC
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Dear Ms. Miller:

Subject: Review and Determination
Request No.: Not Applicable
File Name: Guardian of Eden
File No.: 109-169-2074 GS
Sample No.: 051809-2074-0101, 051809-2074-0102

Enclosed for your action as deemed necessary is the above noted case file. On May 18, 2009, an investigation was initiated by the Department in response to a report received from the Nebraska Department of Agriculture that the product **National Boraxx Corporation Boric Acid Technical Grade Powder** is being repackaged by Guardian of Eden and sold to the public as **Guardian of Eden Boric Acid Powder**.

During the investigation, the Department collected samples of the following products:

1. **National Boraxx Corporation Boric Acid Technical Grade Powder, EPA Reg. No., None, Sample No. 051809-2074-0101.**
2. **Guardian of Eden Boric Acid Powder, EPA Reg. No., None Sample No. 051809-2074-0102.**



Ms. Molly Miller
Page Two

National Boraxx Corporation Boric Acid Technical Grade Powder does not appear to make pesticide claims. The product **Guardian of Eden Boric Acid Powder** may require registration due to the following claims found on the labels and product literature:

"...**Boric Acid** is the safest of all pesticides- from cockroaches and ants to fleas and termites-and a biocide against fungus and mold...."

It also appears that **National Boraxx Corporation Boric Acid Technical Grade Powder** is being repackaged by **Guardian of Eden**, an unregistered pesticide producing establishment, into containers labeled as **Guardian of Eden Boric Acid Powder**, which appears to require registration as a pesticide by your agency.

This file is enclosed for review and action as you deem necessary. The Department has taken action in the form of an Administrative Complaint and Warning Letter. A copy of the Warning Letter is included in the file for your information. This concludes our investigation and this file will be put into permanent abeyance. Please call if you need additional information.

Sincerely,

ADAM H. PUTNAM
COMMISSIONER OF AGRICULTURE



Craig T. Bryant, Environmental Manager
Pesticide Compliance Section

CTB/gs
Enclosure: file

cc: Mr. Andreas B. Coveney
Mr. Daniel B. Sumner
File: Guardian of Eden

File No.: 108-393-2107 GS

National Boraxx Corporation Label



Active Ingredient
Boric Acid (H_2BO_3) 100%
CAS NO. 10043-35-3

[Boric Oxide (B_2O_3) Equivalent 50.5%]

NFPA RATING:
HEALTH
FLAMMABILITY
REACTIVITY

BORIC ACID
TECHNICAL GRADE
POWDER

Net Contents: 50 lbs. (22.7 kg)

NATIONAL BORAX CORPORATION

One Orange Place, Suite 200, Cincinnati, OH 45244-7218

Phone: (513) 444-5600

Active Ingredient:
Boric Acid (H_2BO_3) ... 100%
CAS NO. 10043-35-3

[Boric Oxide (B_2O_3) Equivalent 56.3%]

NFPA RATING

HEALTH	0
FLAMMABILITY	0
REACTIVITY	0

**BORIC ACID
TECHNICAL GRADE
POWDER**

Net Contents: 50 lbs. (22.7 kg)

NATIONAL BORAXX CORPORATION
Orange Place, Suite 480, Cleveland, OH 44122 USA
Phone: 800-292-8680 or 216-464-8680

**NATIONAL BORAXX
CORPORATION**

Active Ingredient:

Boric Acid (H_2BO_3)....100%

CAS NO. 10043-35-3

Boric Oxide (B_2O_3) Equivalent 50.3%

NFPA RATING

HEALTH 0

FLAMMABILITY 0

REACTIVITY 0

NFPA RATING

HEALTH 0

FLAMMABILITY 0

REACTIVITY 0

BORIC ACID

TECHNICAL GRADE

POWDER

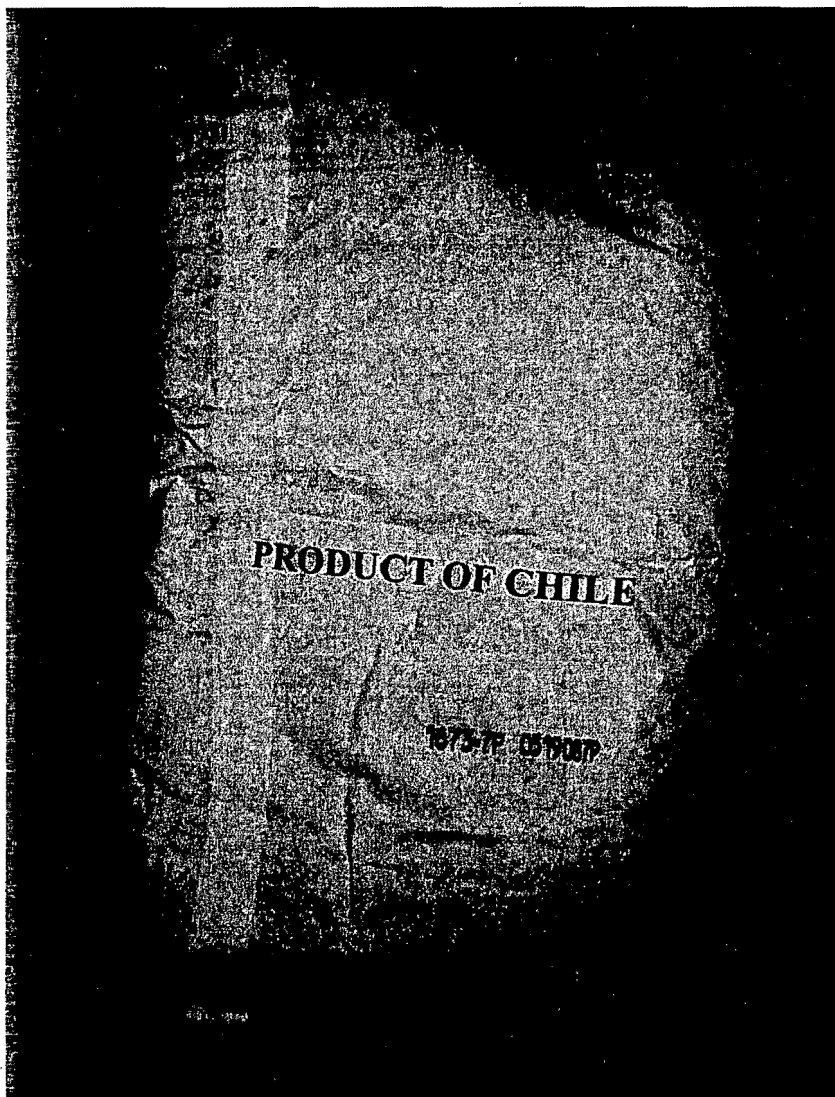
TECHNICAL GRADE
POWDER

Net Contents: 50 lbs. (22.7 kg)

NATIONAL BORAXX CORPORATION

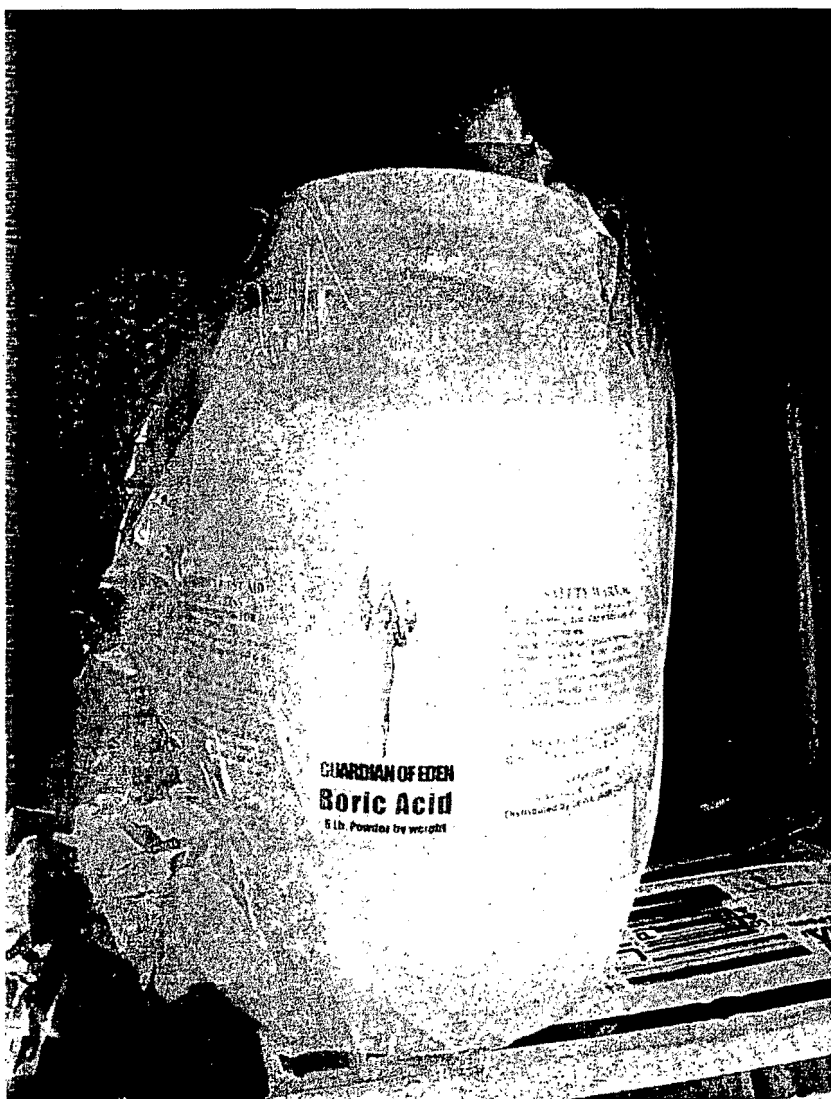
Orange Place, Suite 480, Cleveland, OH 44115

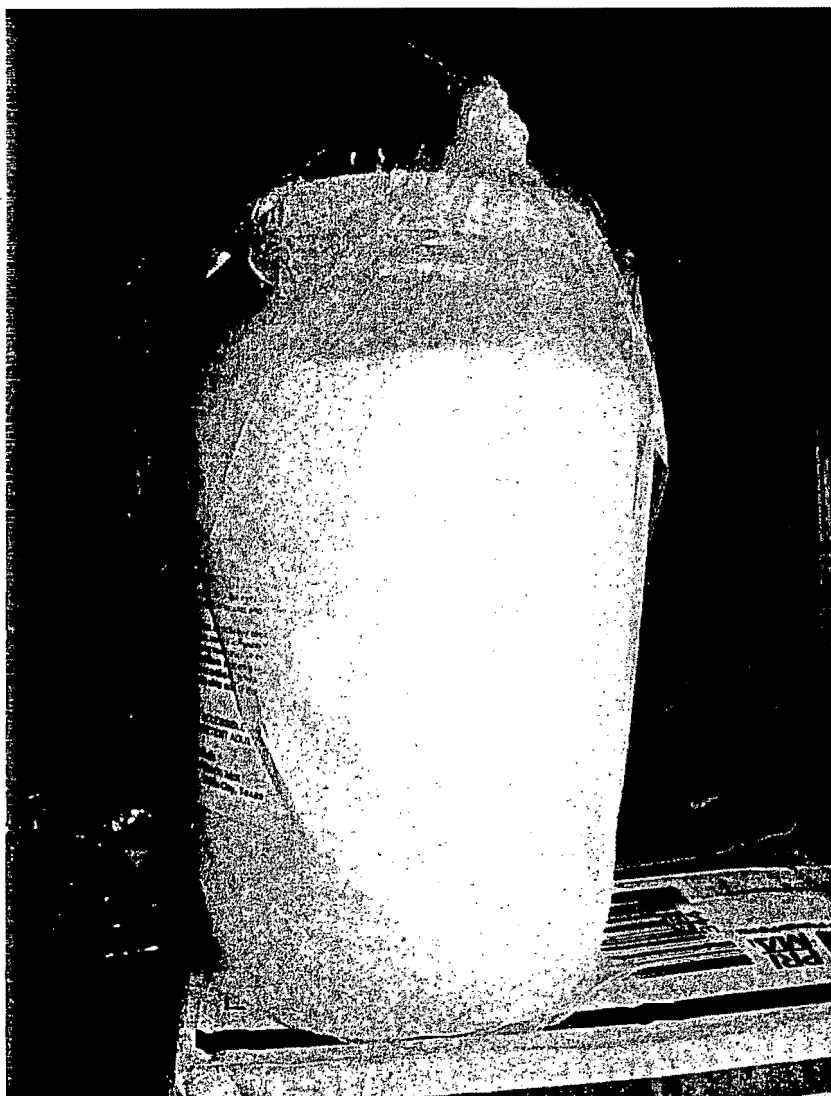
Phone: 800-292-8680 or 216-464-8680

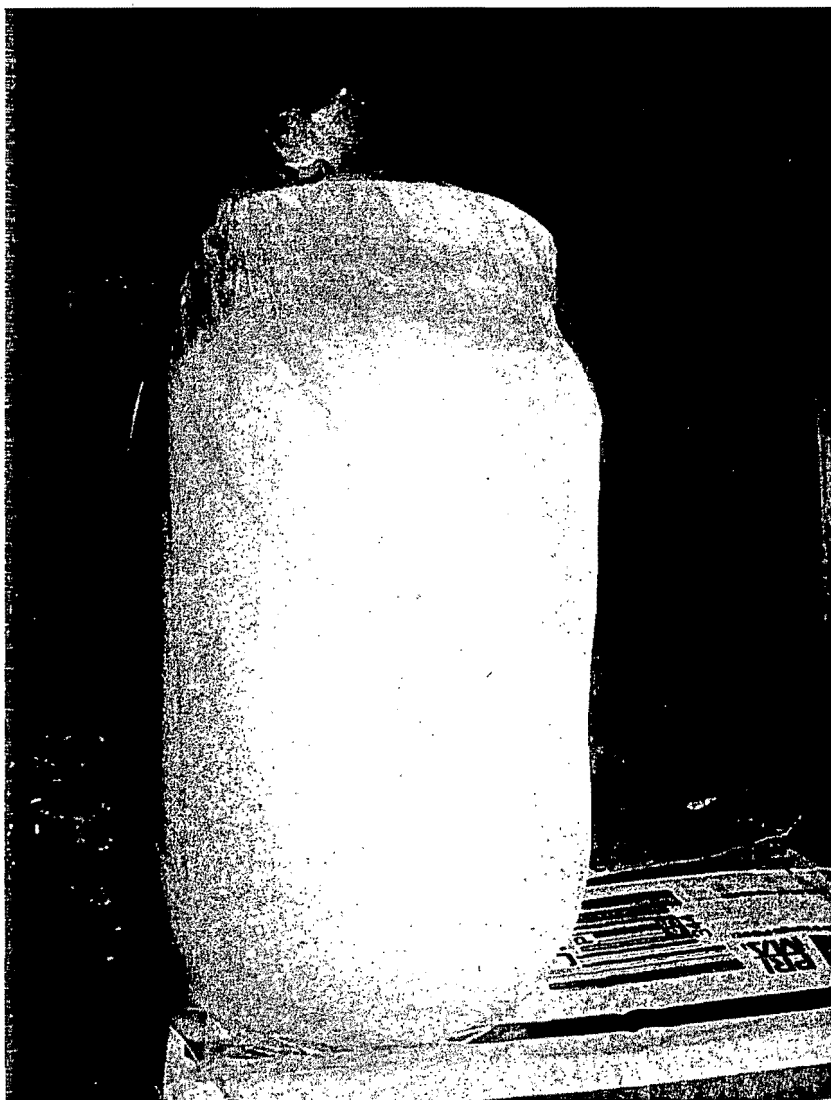


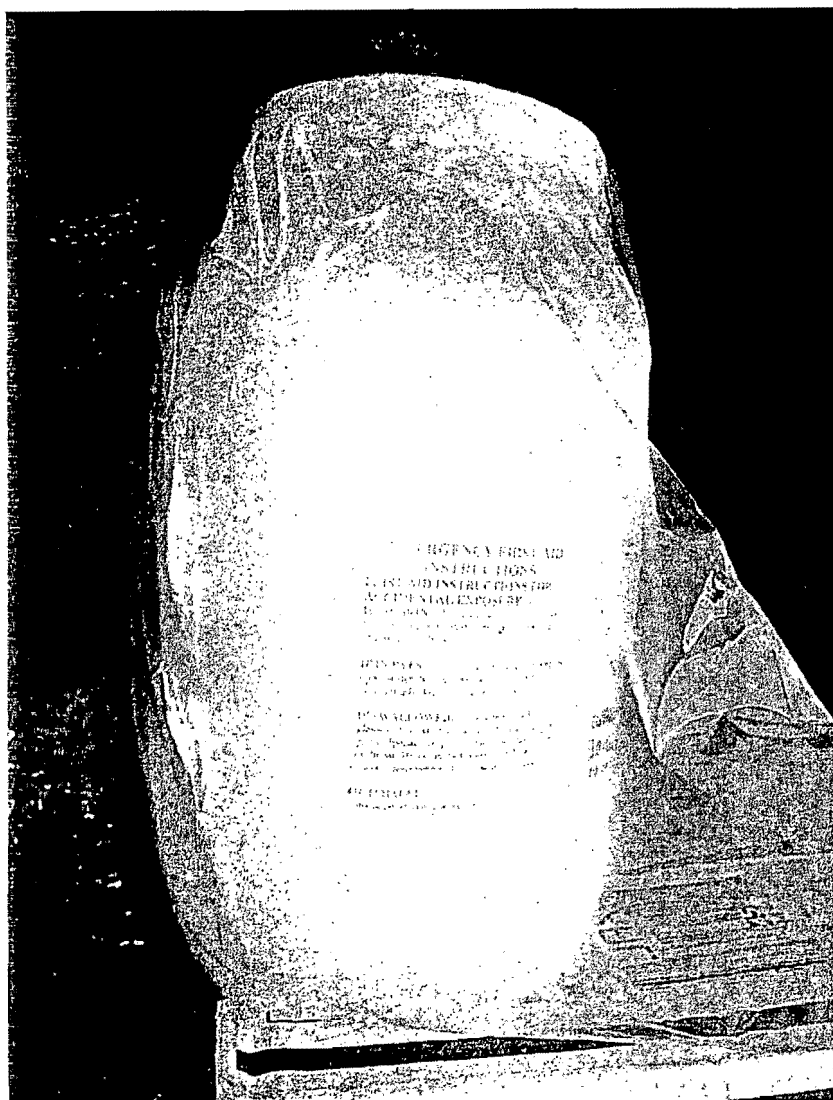
1673-7P 051908P

Guardian of Eden











EMERGENCY FIRST AID INSTRUCTIONS

FIRST AID INSTRUCTIONS FOR ACCIDENTAL EXPOSURE:

IF ON SKIN: Wash off generously with soap.
Remove contaminated clothing and wash in
ordinary laundering.

IF IN EYES: Flush with large amount of
clean water, lifting upper and lower eyelids
occasionally. Get medical attention.

IF SWALLOWED: Drink at least 8 glasses of water and induce vomiting either by
giving Ipecac syrup or by placing finger at back
of throat. However, never give anything to an
unconscious person. Get medical attention.

IF INHALED: Remove to fresh air. Get medical
physician if irritation occurs.

CURBON
BORIC
5 lb. Pouch

**FIRST-AID
INSTRUCTIONS
FOR
POISONING**

POISONING BY INGESTION:
If swallowed, give water.
Do not induce vomiting.

If swallowed large amounts of
boric acid, give water.
Do not induce vomiting.

If swallowed small amounts of
boric acid, give water.
Do not induce vomiting.

See label for details.

GUARDIAN OF EDEN
Boric Acid
6 lb. Powder by weight

SAFETY

Do not inhale dust.
Avoid contact with skin.
Wash hands thoroughly after use.
Do not use near open flame.
Keep away from children.
Do not use in food preparation.

STO-RO-WEIGHT
CHILDREN'S USE

Net Weight 6 lb.
Distributed by SPIN A

SAFETY WARNING!

Do not brush or dust on skin or use in the eyes.
Avoid breathing dust. May irritate eyes, skin and
mucous membranes.

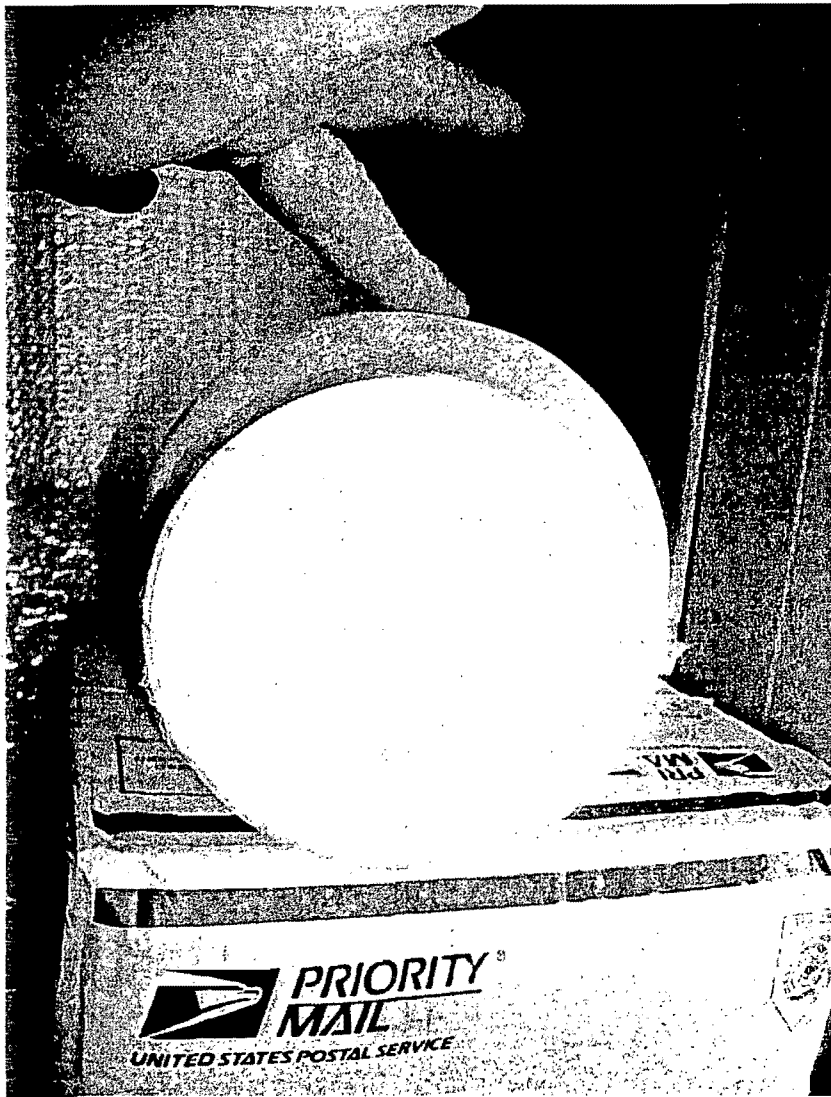
In event of accidental ingestion, immediately seek
professional medical attention, contact a Poison
Center or phone for emergency medical services
such as dialing 911 or reach for help you need.
If emergency assistance is available, follow
the first aid instructions on the other side of this
label.

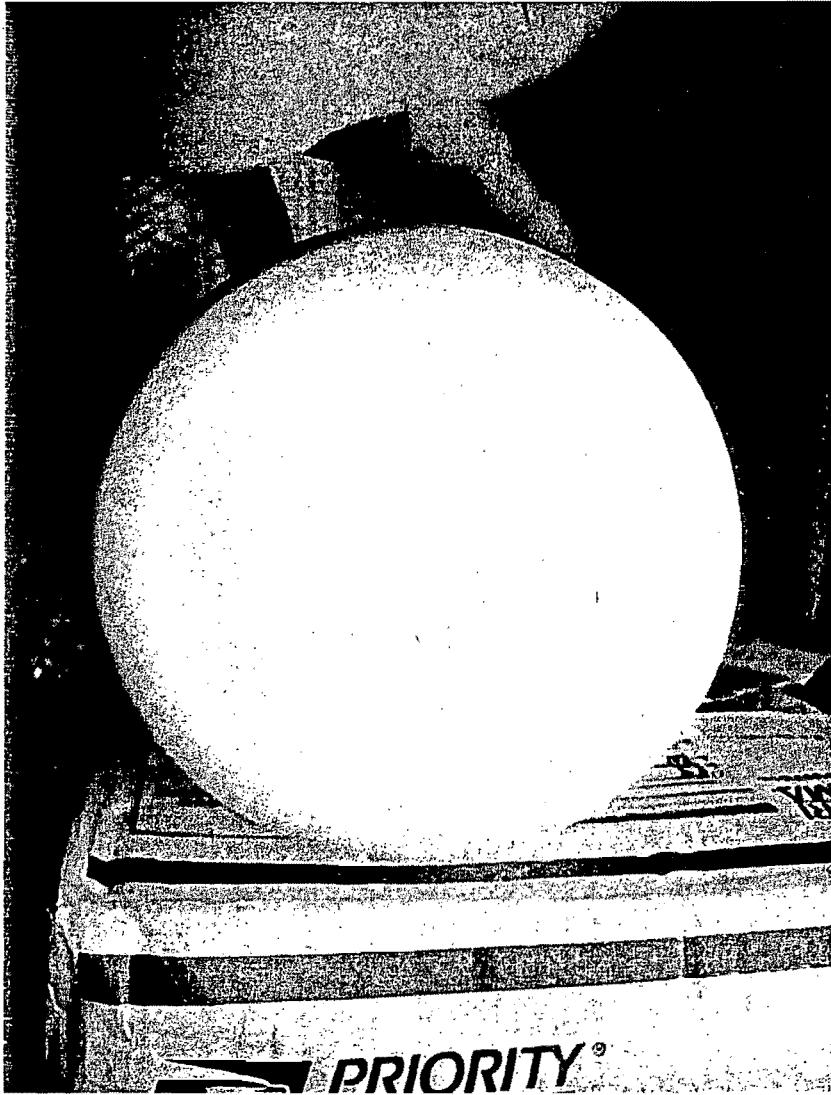
**STORE WHERE NOT ACCESSIBLE TO
CHILDREN OR INCOMPETENT ADULTS**

Usage Info at:

www.dfwx.com/burc.htm

Distributed by DFWX, Wolfe City, Texas





...necessarily drink water
...necessarily require water by
...the pharynx, pharynx at back
...water you can choose to use
...the medical staff here
...the back as a...
...the back as a...
...the back as a...

STONE
(HUTCHINSON)

STIVES TECHNICAL ASSISTANT

NON-CURBIDAL OFF GUN
LAKE N. CUL TO LAKE MOY
METAL RIVER. PL 3420

Phone	52-360-5200	Ext	52-360-5200
Phone	52-360-5200	Ext	52-360-5200

[illegible]

WE MUST HAVE WATER AND PALLET JACKS

HYPOGEN PHOXIDE, AQUEOUS SOLUTIONS.

50.007711.001M HYDROGEN PEROXIDE 25% -9879

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CONCRETE FLOOR, IT SHOULD NOT BE TYPED

BORIC ACID POWDER INHIBIT

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Amount Due from

16

and that there is a better method of property classification than the one used and proposed and that it is in place.

[illegible]

THE ABOVE-REPRODUCED INFORMATION IS THE PROPERTY OF THE U.S. GOVERNMENT AND IS LOANED TO YOUR ORGANIZATION; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR ORGANIZATION.

Line:

STATIONARY
HOB
CUTTING
OFFERED
OUR PRICES
REPLY NOW

3-5200 3-5200 3-5200

[illegible]

500-350-1000 FAX 108 DELIVER

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

Weight: 10.000 Net Weight: 10000.000 - STN

OXIDE SHOULD BE STORED ON A PLASTIC PALLET OR

1978年12月

THE UNIVERSITY OF CHICAGO PRESS

...the ...

780 00 64 7800

15

*** Continued on next page ***

THE
CLARK
BROOKLYN
LIBRARY
100 N. 3RD ST.
BROOKLYN, N.Y. 11211

I CONSTITUTE ACCEPTANCE
EVEREST STUDIOS

THE

[illegible][illegible]

67546-1

1/12/2009

1/4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Vincent Opaskar
National Boraxx Corp.
3690 Orange Place, # 495
Cleveland, Ohio 44122

JAN 12 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated December 4, 2008 for:

EPA Registration 67546-1 Boric Acid Technical Grade

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2/4



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number National Borax Corp, 67546-1	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) National Borax Corp/ Boric Acid Technical Grade	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) National Borax Corp. 3690 Orange Place, #495 Cleveland, Ohio 44122 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: NOTIFICATION EPA Reg. No. _____ Product Name _____ JAN 12 2009	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

The required statement and further explanations are on the accompanying letter.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	
* Certification must be submitted				<input type="checkbox"/> Plastic	
If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per container		<input checked="" type="checkbox"/> Glass	
				<input checked="" type="checkbox"/> Paper 50#	
				<input checked="" type="checkbox"/> Other (Specify) POLYPROPYLENE SACK	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 50 #, 2000 #		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		7. Other <u>INSIDE POCKET ON POLYPROPYLENE SACK EXTERIOR</u>			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Vincent Opaskar		Title Technical Manager	
		Telephone No. (Include Area Code) 216-896-1949	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			8. Date Application Received (Stamped)
2. Signature <i>Vincent Opaskar</i>		3. Title Technical Manager	
4. Typed Name Vincent Opaskar		5. Date 12/03/2008	

3/4

NATIONAL BORAXX CORPORATION

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Re: PR 2007-4, Pesticide Management & Disposal;
Standards for Pesticide Containers & Containment for
National Boraxx Corp. Boraxx MU-
Boric Acid Technical Grade

December 4, 2008

Dear Mr. Gebken:

This packet is an Application for Notification mandated by PR 2007-4.

Enclosed is Form 8570-1, this explanation letter and the revised label for approval.

Addendum to 8570-1, Section 2

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or to the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to the EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

The exact wording revision under the Storage and Disposal section is in **bold print**.

Sincerely,

Vincent Opaskar

Vincent Opaskar

**PRECAUTIONARY STATEMENTS
HAZARD TO HUMANS AND
DOMESTIC ANIMALS
CAUTION**

Harmful if swallowed. Causes eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

FIRST AID	
If in eyes	-Hold eye open and rinse slowly and gently with water for 15-20 minutes. - Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. -Call a poison control center or doctor for treatment advice.
If swallowed	-Call poison control center or doctor immediately for treatment advice. -Have person sip a glass of water if able to swallow. -Do not induce vomiting unless told to do so by the poison control center or doctor. -Do not give anything by mouth to an unconscious person.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-292-8680 for emergency medical treatment information.	

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

NATIONAL BORAXX

**MANUFACTURED BY:
NATIONAL BORAXX
3690 Orange Place, Suite 480
Cleveland, Ohio 44122
Phone No. (800) 292-8680**

BORIC ACID

TECHNICAL GRADE

This Manufacturing Use Product may be used to formulate products for specific uses such as insecticides, fungicides, algacides or preservatives for non-food items.

Not for Food or Drug Use

ACTIVE INGREDIENT:

Boric Acid (H_2BO_3) 100%
CAS-NO. 10043-35-3
Boric Oxide (B_2O_3) Equivalent 56.3%

MAN 1 2 2003

NOTIFICATION

**KEEP OUT OF REACH OF
CHILDREN**

CAUTION

**See Side Panel For Additional
Precautionary Statements**

EPA Reg. No. 67546-1
EPA Est. 67542-CHL-001

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Net Contents

50 lbs. (22.7 kg)

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. This product may be used for formulation into products for non-food use as set forth below.

- This product is intended for formulation into registered end use products for indoor or outdoor uses.
- Methods of application may be mop, spot and crack and crevice treatments.
- Locations may be in residential, industrial, institutional and commercial buildings and in transportation equipment.
- It may be mixed with food to be used as an insecticidal bait.
- It may be used for broadcast applications on dry carpets in residential, industrial, institutional and commercial buildings.
- It may be used for terrestrial, non-food uses on: railroad rights-of-way; tank farms and industrial sites as a preparing treatment under asphalts, manure piles, garbage and refuse areas. It may be used in poultry-raising houses, barns/barnyards/auction barns and hog barns/houses/parlors/pens.
- It may be used for wood treatments.

Reformulators and/or repackagers must obtain their own EPA registration for their products.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

STORAGE: Store in a dry place. Do not store where children or animals may gain access. In case of puncture, use overslip bag and securely close. In case of spill, sweep and scoop or vacuum and remove.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration.

NOTICE

Neither manufacturer nor seller shall be liable in respect to any injury or damage suffered by reason of the use of this product for a purpose not indicated by the label or when used contrary to the directions or instructions hereon nor with respect to breach of any warranty not expressly specified herein. Buyer accepts this material subject to these terms, and assumes all risk of usage and handling except when used or handled in accordance with this label. Neither manufacturer nor seller makes, and their employees and agents are not permitted to make, any representations or warranties, express or implied by law, not specifically set forth herein.


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Product Report

Company Number: 67546
NATIONAL BORAXX CORPORATION
3690 ORANGE PLACE, #480
CLEVELAND OH 44122
216/464-8680


Number of Active Products: 2


EPA  View the label in the US EPA Pesticide Product Label System (PPLS).

BORIC ACID TECHNICAL GRADE
EPA Registration Number: 67546-1 

Approval Date: 04-18-1994
Product Manager: Deborah McCall (703)605-0717 

Percent	Active Ingredient
100.0000	Boric acid (11001)

DARKLING BEETLE CONTROL
EPA Registration Number: 67546-2 

Approval Date: 01-09-2001
Product Manager: Richard Gebken (703)305-6701 

Percent	Active Ingredient
100.0000	Boric acid (11001)

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The NPIRS Public website contains information pertaining to pesticides either currently or previously licensed for distribution only. Information derived from this website does not constitute a label replacement or a recommendation. Before applying, be sure the product is correct for the intended use site. Always check the container/package label to determine if the intended use site is included. **USING ANY PESTICIDE PRODUCT.**

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NYLAURA [Send email](#)

Feb 23, 2012

Fraudulent practices

I have also placed an order with this company along with a friend of mine. Neither of us has had any problems with them.. I know there are times when every company gets it wrong, but I am a VERY particular about service, I have not had any problems with this company.

Jimmy [Send email](#)

Feb 23, 2012

Fraudulent practices

I ordered a pound of powdered boric acid. When I received it, I noticed the bottle was smaller than a 12 oz container I had purchased at a pharmacy. So I weighed it on a postal scale and found it only weighed 14 oz including the heavy plastic container. I sent two inquiries by e-mail and received no response after a period of weeks.

Parake [Send email](#)

Feb 23, 2012

Fraudulent practices

Thank you GOE. Just receive my order as you said, No problem, And great packaging

[Previous](#) 1 [Next](#)

Complaint Registration Form

1 Information of the Company you are complaining about

Subject of Complaint

City (optional)

Complaint Details

Attach photos (optional)

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Recently Updated Complaints

MTA Bus - bus drive did not stop to pick up passengers
 This morning as 2 passengers (1) with a cane and my self...

pizza hut malaysia - UNBELIEVABLE POOR SERVICE
 Hi, I've visited one of the pizza hut outlet which...

cop@vsnl.net - mobile pick pocketed
 Name:muhammed ashraf phone model:samsung galaxy grand 2...

Ragu Spaghetti Sauce - garbage ni the product
 When I poured the sauce out of a jar I had bought, there...

Glencara.com - DO NOT PURCHASE FROM THIS COMPANY!!
 I placed an order mid February 2014 for my daughter's...

wwics Group - WWICS Good Service Provider in Immigration
 I applied my case in the year 2013. I received my...

Dollar General - false accusations
 This crazy rude cashier accused me of stealing. She says...

Coca Cola - lucky draw
 I got a mail from coca cola for the winning prize in a...

Samsung (Galaxy Grand) - I Lost My New Cell
 I lost my mobile Respected sir My SAMSUNG GALAXYY...

WWICS - WWICS best immigration consultant
 June of last year WWICS was recommended to me by a friend...



R.E.D. FACTS

Boric Acid

Pesticide Reregistration

All pesticides sold or used in the United States must be registered by EPA, based on scientific studies showing that they can be used without posing unreasonable risks to people or the environment. Because of advances in scientific knowledge, the law requires that pesticides which were first registered years ago be reregistered to ensure that they meet today's more stringent standards.

In evaluating pesticides for reregistration, EPA obtains and reviews a complete set of studies from pesticide producers, describing the human health and environmental effects of each pesticide. The Agency imposes any regulatory controls that are needed to effectively manage each pesticide's risks. EPA then reregisters pesticides that can be used without posing undue hazards to human health or the environment.

When a pesticide is eligible for reregistration, EPA announces this and explains why in a Reregistration Eligibility Decision (RED) document. This fact sheet summarizes the information in the RED document for boric acid and its sodium salts, which includes the seven active ingredients boric acid, sodium tetraborate decahydrate (borax decahydrate), sodium tetraborate pentahydrate (borax pentahydrate), sodium tetraborate (anhydrous borax), disodium octaborate tetrahydrate, disodium octaborate (anhydrous), and sodium metaborate.

Use Profile

Pesticide products containing boric acid and its sodium salts are registered in the U.S. for use as insecticides, fungicides and herbicides. As insecticides, some act as stomach poisons in ants, cockroaches, silverfish and termites, while others abrade the exoskeletons of insects. As herbicides, some cause desiccation or interrupt photosynthesis in plants, while others suppress algae in swimming pools and sewage systems. As fungicides, several are wood preservatives which control decay-producing fungi in lumber and timber products.

Boric acid and its sodium salts are used on several agricultural and many non-agricultural sites including residential, commercial, medical, veterinary, industrial, forestry and food/feed handling areas. They are marketed in many formulations including liquids, soluble and emulsifiable concentrates, granulars, powders, dusts, pellets, tablets, solids, paste, baits, and crystalline rods.

The quantities of boric acid and its sodium salts applied as pesticides are modest compared to amounts used for other, non-pesticidal purposes. Further, boric acid, borax and boron-containing salts are ubiquitous in the environment. Boron occurs naturally in water, fruits, vegetables and forage crops, and is an essential nutrient for plants as well as an essential element for many organisms.

Regulatory History

Boric acid was first registered as a pesticide in the U.S. in 1948. Currently, 189 pesticide products are registered which contain boric acid or one of its sodium salts as an active ingredient.

In February 1986, EPA issued two related documents dated November 1985, the "Boric Acid and Boron Containing Salts Registration Standard" (NTIS #PB87-101903), and a General Registration Standard entitled, "Guidance for the Registration and Reregistration of End-Use Pesticide Products Containing the Insecticidal Uses of Boric Acid." About 43 boric acid products, used indoors for cockroach and silverfish control, were reregistered under the General Registration Standard. Producers of those products need only submit current labels and Confidential Statements of Formula for the products to remain reregistered.

EPA has determined that, because they are of low toxicity and occur naturally, boric acid and its sodium salts should be exempted from the requirement of a tolerance (maximum residue limit) for all raw agricultural commodities. The Agency has established such exemptions and removed the previously established tolerances for residues of boric acid and certain derivatives in cotton seed and citrus fruits (please see 58 FR 44282); two other derivatives will be similarly exempted soon. Because boric acid is registered for crack and crevice use in food and feed handling establishments, the potential exists, though unlikely, for residues to occur in food. EPA therefore is establishing food and feed additive tolerances for boric acid and its sodium salts.

In developing this RED, the active ingredient sodium metaborate was added from another reregistration case. Also, this RED originally was to have included boric oxide as an active ingredient. However, since no registered products currently contain that active ingredient, it is not included.

Human Health Assessment

Human Toxicity

The toxicity of boric acid and its six sodium salts are expected to be similar. Information on the effects of these boron-related compounds in humans, supplemented by data from laboratory animal studies, were used by EPA to evaluate their toxicity.

Boric acid generally is of moderate acute toxicity, and has been placed in Toxicity Category III for most acute effects including oral and

dermal toxicity, and eye and skin irritation. Sodium tetraborate (anhydrous borax) products have been placed in Toxicity Category I indicating a high degree of acute toxicity for eye irritation effects.

A subchronic borax feeding study using dogs resulted in blood and metabolism disorders as well as effects to the testes, endocrine system, brain weight, and size ratios among various organs and glands.

In chronic oncogenicity studies using mice, rats and beagle dogs, boric acid and borax were found not to be carcinogenic; however, testicular effects and decreases in body weight resulted at high dose levels. EPA has classified boric acid as a "Group E" carcinogen, indicating that it shows "evidence of noncarcinogenicity" for humans.

In reproductive and developmental toxicity studies using rats, mice and rabbits, maternal liver and kidney effects and decreased weight gain as well as decreased fetal body weights were observed. In two studies, at the highest dose levels, no litters were produced. Prenatal mortality occurred at the highest dose levels in the rabbit study. Boric acid does not cause mutagenicity.

Dietary Exposure

Tolerances were established for residues of boron resulting from the use of boric acid and its sodium salts on cottonseed (30 ppm) and citrus fruits, postharvest (8 ppm) (please see 40 CFR 180.271.) EPA's review of new toxicology studies raised no concerns. Further, boron occurs naturally in fruits and vegetables at much higher levels (200 to 300 ppm in red cabbage). Therefore, the Agency is exempting these compounds from the requirement of a tolerance and revoking the existing tolerances. EPA is establishing food/feed additive regulations to cover the use of boric acid salts for crack and crevice treatments at food and feed handling establishments (please see 58 FR 44282, and a soon-to-be-issued Federal Register notice).

Occupational and Residential Exposure

Boric acid and its sodium salts are applied both indoors and outdoors, in residential, commercial, medical, veterinary and industrial areas, in food handling establishments, in swimming pools and sewage systems, in lakes, ponds and reservoirs, and in treating wood. Depending on the use site, boric acid may be applied using aircraft, a spreader, airblower, power duster, squeeze applicator, aerosol can or knife/spatula. The potential for dermal and inhalation exposure exists among applicators and people reentering treated areas.

As a prudent measure to reduce any potential risks to handlers, EPA is requiring that all products containing boric acid and its sodium salts (except products for residential use) bear personal protective equipment (PPE) requirements. These must consist of at least the use of a long-sleeved shirt, long pants, shoes, socks and chemical-resistant gloves.

If end-use product labeling already bears PPE requirements that are more protective than these items, the more protective requirements must be retained.

The Worker Protection Standard (WPS) for Agricultural Pesticides (40 CFR 156 and 170) established an interim restricted-entry interval (REI) of 12 hours for boric acid and its sodium salts. EPA is retaining this REI for uses within the scope of the WPS, as a prudent risk mitigation measure to protect workers. During the REI, workers may enter treated areas only under the few narrow exceptions allowed in the WPS.

Human Risk Assessment

Dietary risk is not a concern with boric acid and its sodium salts since no direct food uses are registered and tolerances have been revoked. Applicators and others in treatment areas may be exposed to boric acid and its sodium salts during or after application. However, there is no reasonable expectation that these pesticide uses may constitute a hazard or risk to people involved in, or near to, handling or application activities. Proper care and adhering to label directions and precautions should reduce exposure and any associated risk.

Environmental Assessment

Environmental Fate

No new environmental fate data are required for reregistration of boric acid and its sodium salts because only relatively small amounts of boric acid are used as pesticides, and significant amounts of boron are present naturally in soil and water. Surface soil contains relatively high levels of boron. Boron salts occur naturally in low concentrations in most unpolluted waterways (both surface water and seawater). In some areas, boron occurs in surface waters in concentrations that have been shown to be toxic to commercially important plants.

Ecological Effects

Available studies indicate that technical boric acid is practically nontoxic to birds, fish and aquatic invertebrates, and relatively nontoxic to beneficial insects. The boric acid rights-of-way herbicide use pattern poses a potential risk to aquatic invertebrates, including some that are endangered. However, risk probably is mitigated by the practice of limiting treatment to small strips of land, thereby limiting the amount of contaminated runoff into adjacent aquatic environments.

Boric acid's noncrop herbicidal use also may harm endangered or threatened plants. EPA is requiring three phytotoxicity studies (seed germination, seedling emergence and vegetative vigor) to assess these risks. EPA is deferring endangered species labeling requirements until the Agency publishes the Endangered Species Protection Program plan and guidance for registrants. Labeling will refer users to county bulletins for area-specific use limitations.

Ecological Effects Risk Assessment

EPA's concerns regarding risks to birds, fish and wildlife species are minimal. Boric acid's limited outdoor use patterns, low toxicity, and natural presence in terrestrial and aquatic environments are mitigating factors for any potential risk to nontarget organisms.

Additional Data Required

EPA is requiring three phytotoxicity studies to further assess the risks of boric acid and its sodium salts to non-target plants and endangered plant species. However, these studies are not part of the target data base and do not affect the reregistration eligibility of boric acid and related active ingredients. The Agency also is requiring product-specific data including product chemistry, acute toxicity and efficacy studies, revised Confidential Statements of Formula, and revised product labeling for reregistration.

EPA already has reregistered all 43 boric acid products covered by the General Registration Standard. For these products, only current labeling and Confidential Statement of Formulas must be submitted to ensure that they still meet the criteria set forth in that document.

Product Labeling Changes Required

The labeling of all end-use products containing boric acid and its sodium salts must comply with EPA's current pesticide labeling requirements. In addition:

p Compliance with Worker Protection Standard (WPS) - Any product whose labeling permits use in the production of an agricultural plant on any farm, forest, nursery or greenhouse must comply with the labeling requirements of:

- PR Notice 93-7, "Labeling Revisions Required by the Worker Protection Standard (WPS)," and
- PR Notice 93-11, "Supplemental Guidance for PR Notice 93-7."

Unless specifically directed in the RED, all statements required by these two PR Notices must appear on product labeling exactly as instructed in the Notices. Labels must be revised by April 21, 1994, for products distributed or sold by the primary registrant or supplementally registered distributors, and by October 23, 1995, for products distributed or sold by anyone.

p Personal Protective Equipment (PPE) Requirements

Products NOT Primarily Intended for Home Use

The PPE requirement for handlers of all end-use products except those intended primarily for home use is:

"Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant or waterproof gloves*
- Shoes plus socks

* The glove statement is that established through the instructions in Supplement Three of PR Notice 93-7."

Registrants must compare the PPE requirements in this section with those on their product labeling, and retain the more protective PPE.

Products Primarily Intended for Home Use

No new PPE requirements need to be added. However, any PPE requirements on current product labeling must be retained.

p Entry Restrictions

Products NOT Primarily Intended for Home Use

p Uses Within the Scope of the WPS: A 12-hour restricted entry interval (REI) is required for all uses within the scope of the WPS, except on products intended primarily for home use. The PPE for early entry should be that required for applicators of boric acid and its sodium salts, except that the requirement for an apron or respirator is waived. Registrants should insert this REI and PPE into the standardized statements required by PR Notice 93-7.

- Sole Active Ingredient Products: Must be revised to adopt the entry restrictions set forth in this section, and any conflicting entry restrictions on current labeling must be removed.
- Multiple Active Ingredient Products: Registrants must compare the entry restrictions set forth in this section to the entry restrictions on their current labeling and retain those which are more protective. A specific time period in hours or days is considered more protective than "until sprays have dried" or "dusts have settled."

p Uses Not Within the Scope of the WPS: No new entry restrictions must be added. However, any entry restrictions on current product labeling must be retained.

Products Primarily Intended for Home Use

No new entry restrictions need to be added. However, any entry restrictions on current product labeling must be retained.

p Products Under the General Boric Acid Registration Standard

Labels must comply with the format labels issued with the Standard. Five copies of current labeling must be submitted.

p Products Not Under the General Registration Standard

Labels must bear the following Environmental Hazards statements, if appropriate:

b Terrestrial Food and Feed Use and Non-Crop Products

"Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high-water mark. Do not contaminate water when disposing of equipment washwaters or rinsate."

b Indoor Use Products with Effluent

"Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA."

Labels with uses on carpets and floors to combat fleas, cockroaches, ants and silverfish must bear the following under Directions for Use:

b Use Restrictions

"Children and pets should not be in treatment area until after application is completed. Do not treat pets with this product. Avoid contamination of feed and foodstuff. Avoid contamination of ornamental plants."

b Carpets

"Apply to dry surfaces only. Apply directly on carpets where pets frequently traffic or sleep. Work powder deeply into fibers and mat with a broom or rug rake. Any powder visible after application must be brushed into carpet fibers or removed."

b Upholstery

"Remove loose cushions. Apply along creases and into corners and furniture wells. Do not apply product to exposed fabric. Any product visible after application must be removed."

**Regulatory
Conclusion**

The use of currently registered pesticide products containing boric acid and its sodium salts in accordance with approved labeling will not pose unreasonable risks or adverse effects to humans or the environment. Therefore, all uses of these products are eligible for reregistration. These products will be reregistered once the required product-specific data, Confidential Statements of Formula and revised labeling are received and accepted by EPA.

Boric acid products that already have been reregistered under the General Registration Standard will remain reregistered as long as current labeling and Confidential Statements of Formula are submitted, and demonstrate that these products still meet the criteria set forth in the Standard.

Boric acid products which also contain other active ingredients will be reregistered only after the other active ingredients are determined to be eligible for reregistration.

**For More
Information**

EPA is requesting public comments on the Reregistration Eligibility Decision (RED) document for boric acid and its sodium salts during a 60-day time period, as announced in a Notice of Availability published in the Federal Register. To obtain a copy of the RED document or to submit written comments, please contact the Pesticide Docket, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs (OPP), US EPA, Washington, DC 20460, telephone 703-305-5805.

Following the comment period, the boric acid RED document will be available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone 703-487-4650.

For more information about EPA's pesticide reregistration program, the boric acid and its sodium salts RED, or reregistration of individual products containing these active ingredients, please contact the Special Review and Reregistration Division (7508W), OPP, US EPA, Washington, DC 20460, telephone 703-308-8000.

For information about the health effects of pesticides, or for assistance in recognizing and managing pesticide poisoning symptoms, please contact the National Pesticides Telecommunications Network (NPTN). Call toll-free 1-800-858-7378, between 8:00 am and 6:00 pm Central Time, Monday through Friday.



Safety Source for Pest Management

PESTICIDE INGREDIENT	TOXICITY OF COMMONLY USED PESTICIDES	NON-TOXIC PEST MANAGEMENT	LEAST TOXIC PESTICIDES	TOXIC PESTICIDES
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Boric Acid/ Borates/ Borax

Beyond Pesticides Rating: **Least Toxic**



Boric acid (borax and boron-containing salts) is a low-toxicity mineral with insecticidal, fungicidal, and herbicidal properties. It does not evaporate or volatilize into the air or pose the considerable health concerns associated with synthetic pesticides; however it can still pose health hazards and should be used with care. As with any pesticide, keep boric acid pesticide products out of reach of children and only use it in locations where it will not come in contact with people or animals, such as in cracks and crevices, behind counters, and in baseboards. While boric acid is somewhat slower acting than the synthetic pesticides, like chlorpyrifos, diazinon, or pyrethrins, it is highly effective over a long period of time.

Use and Mode of Action

Registered in 1983 for control of cockroaches, ants, grain weevils and several beetles, it has also been used as an herbicide along rights-of-way and as a fungicide for citrus, and as a wood preservative/fire retardant, and even as an insect repellent in insulation. As an insecticide, boric acid acts as a stomach poison for ants, cockroaches, silverfish and termites, and as abrasive to the insects exoskeleton. As an herbicide, boric acid causes desiccation or interrupts photosynthesis in plants.

Boric acid may be used either in a bait formulation containing a feed attractant or as a dry powder. The powder may be injected into cracks and crevices, where it forms a fine layer of dust. Insects travel through the boric acid, which adheres to their legs. When the insects groom themselves, they then ingest the poison, which causes death three to ten days later of starvation and dehydration. As long as the material is not allowed to become wet, its continuous presence ensures that hatching insects, which sprays commonly spare, are exposed and die. Many insecticidal formulations can be effective for more than a year.

Toxicity

While exposure to boric acid has been linked to adverse health effects, experts agree that careful application offers a safe and effective alternative without the indoor air problems associated with sprays. Boron is a naturally-occurring element in the earth's crust and background levels even circulate in the human bloodstream. Boric acid's exposure risks are minimal because of its method of application.

However, while boric acid has become one of the chemicals of choice for many urban pest control programs, it can be toxic. EPA considers boric acid as a moderately acutely toxic due to acute effects including oral and dermal toxicity, and eye and skin irritation. EPA's reregistration document states that a subchronic borax feeding study using dogs resulted in blood and metabolism disorders as well as effects to the testes, endocrine system, brain weight, and size ratios among various organs and glands. In chronic oncogenicity studies using mice, rats and beagle dogs, boric acid and borax were found not to be carcinogenic; however, testicular effects and decreases in body weight resulted at high dose levels. EPA has classified boric acid as a "Group E" carcinogen, indicating that it shows "evidence of noncarcinogenicity" for humans. In reproductive and developmental toxicity studies using rats, mice and rabbits, maternal liver and kidney effects and decreased weight gain as well as decreased fetal body weights were observed. In two studies, at the highest dose levels, no litters were produced. Prenatal mortality occurred at the highest dose levels in the rabbit study. Boric acid does not cause mutagenicity (U.S. EPA 1993).

Applicators and others in treatment areas may be exposed to boric acid and its sodium salts during or after application. However, there is no reasonable expectation that these pesticide uses may constitute a hazard or risk to people involved in, or near to, handling or application activities. Proper care and adhering to label directions and precautions should reduce exposure and any associated risk (U.S. EPA 1993).

Ecological Effects

Boric acid is practically nontoxic to birds, fish, aquatic invertebrates, and relatively nontoxic to beneficial insects. Its noncrop herbicidal use may harm endangered or threatened plants, and therefore EPA is requiring three phytotoxicity studies to assess these risks (U.S. EPA 1993).

Effectiveness

An EPA assessment of a boric acid pilot pest control program conducted at the U.S. Army's Aberdeen Proving Ground in Maryland found that boric acid was both more economical and more effective than monthly spray treatment. At least one study has shown that the combination of heat, 110 degree F for two hours with boric acid, will increase the speed at which the German cockroach is killed.

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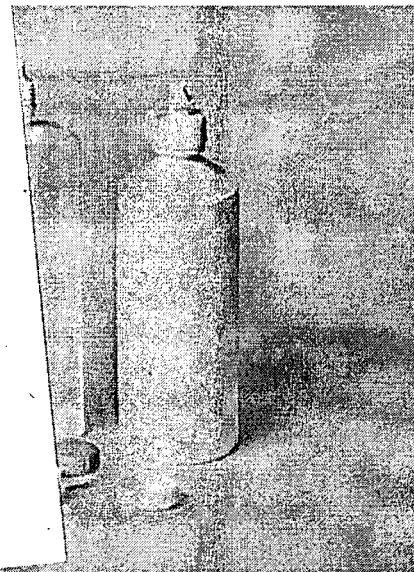
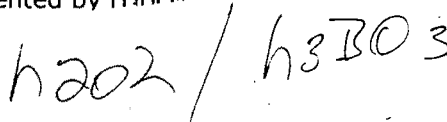
Buzzle

Boric Acid Uses

Boric acid also known as hydrogen borate is used in a range of products. From your medicines to insecticides and industrial products, this mild acid has extensive uses.

Boric acid chemically represented by H_3BO_3 is

naturally occurring compound of boron, a naturally occurring element, namely boron, is colorless and odorless. Compounds of boron are borates, which are found in seawater. There are many medicinal uses in various pesticides. In fact, boric acid is found in many foods such as fruits, and an average person would ingest a small amount of boron everyday. Borates are usually derived from boron found in deserts and other



Uses of this acid have been known for thousands of years. The Chinese used it as a food preservative

and as an antiseptic. It is believed that borax was used by the ancient Chinese to glaze ceramic containers and by the Arabians to preserve their gold and silver. Boric acid crystals were first made by Wilhelm Homberg in 1702 and was soon found to be an effective eye wash and a mild antiseptic.

Uses of Boric Acid

Pest Control: Boric acid is registered as an insecticide for controlling household pests like cockroaches, termites, fire ants, fleas, silverfish and other insects. Available in both gel and powder form, the acid can be dabbed on or sprinkled near sinks, counters, refrigerators, stoves or in places where the infestation is more. It is available as a pest control, in the form of aerosols, wettable powders, dust and pellets.

Medicinal Uses: It is usually used as an antiseptic for treating minor burns and cuts, since it inhibits the growth of micro-organisms in the body. Boric acid eye wash is considered to be an effective remedy for pink eye (conjunctivitis) and other eye infections. It is also used in contact lens solutions and other eye disinfectants. The anti bacterial property of the acid allows it to be used in acne treatments and for the prevention of athlete's foot. Its use for yeast infections has been known to prevent candidiasis or vaginal yeast infections.

Wood Preservative: Since it inhibits the growth of fungus, boric acid is known to prevent rotting and insect attack. There are a wide variety of borate timber treatments that prevent slime, mycelium and algae growth.

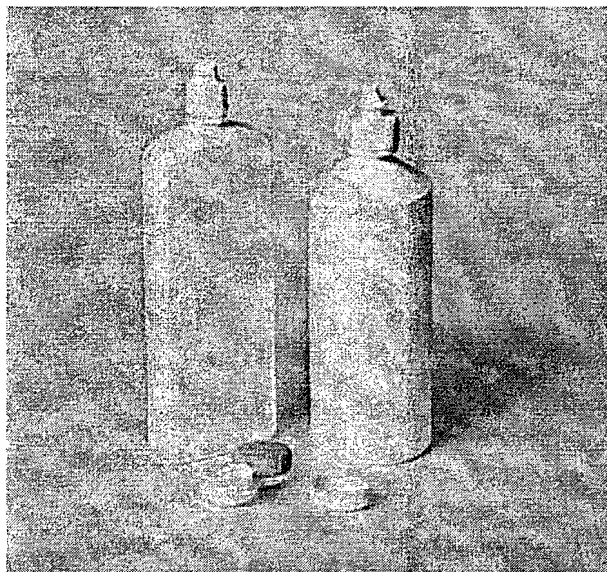
Fiberglass and Glass: It is widely used in heat resistant borosilicate and other heat resistant



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Boric acid chemically represented by H_3BO_3 is a naturally occurring compound containing the three elements namely boron, hydrogen and oxygen. This colorless and odorless powder whose main constituent are borates, are found naturally in the soil, rocks and seawater. There are many uses of this mild acid from medicinal to uses in various industrial treatments and pesticides. In fact, boric acid is naturally present in many foods such as fruits, vegetables and grains. So an average person would be consuming some amount of boron everyday through his diet. These borates are usually derived from dried salt lake beds found in deserts and other arid regions.



Uses of this acid have been known to man for thousands of years. The Chinese have traditionally used it as a food preservative, cleansing agent and as an antiseptic. It is believed that borax was used by the ancient Chinese to glaze ceramic containers and by the Arabians to preserve their gold and silver. Boric acid crystals were first made by Wilhelm Homberg in 1702 and was soon found to be an effective eye wash and a mild antiseptic.

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Fiberglass and Glass: It is widely used in heat resistant borosilicate and other heat resistant

glassware. It is used to enhance the chemical composition, thereby improving the temperature resistance of glass, and is used widely in halogen bulbs, ovenware and microwavable glassware. It is also used in the optical glassware industry to increase chemical resistance and durability.

Flame Retardant and Corrosion Inhibitor: Since boron is an effective flame retardant, it is used in an array of products like wood, plywood, textile products, cotton, paper and cellulose. In addition to this, boron is also used as corrosion inhibitors and antifreeze, thus finding its use in brewing, heat treating and in the treatment of metallic products.

Ceramics: Boric acid is commonly used in the ceramic industry for the production of ceramic frits and borosilicate glazes. Since the boric compounds significantly reduce the melting point and control the coefficient of the expansion they make sure that the glaze remains fixed to the body without undergoing any distortion.

From production of modern hi tech glasses used in plasma screens in LCD televisions to increasing the efficiency of manufacturing processes, boric acid uses continue to show an upward trend. It is however, vital to remember that although it does have a certain amount toxicity, it can be dangerous especially in long term exposure to this compound. The prolonged use of it on the skin and eyes may result in irritation, while ingesting it may even prove to be fatal.

By Parul Solanki

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